

LEGISLATIVE NOTES ON R.S. 40A:12-1
(Local Lands and Buildings Law)

Previous bill:

1969 - S283

Prefiled by Beadleston, Hauser and White.
Passed both houses, amended (original bills
and both sets of amendments enclosed).
Returned with Governor's recommendations.
Amended as recommended but not brought to a
vote (amendments enclosed).

BILL HAD NO STATEMENT

COPY NO. 1

*see original
see above*

L. 1971, Chapter 199 - S629

Introduced March 9 by Beadleston and Hauser.
Returned with Governor's recommendations
(veto message enclosed).
Passed both houses, amended (copy of original
bill and amendments enclosed).
The bill had statement (see original bill enclosed).

Earlier reports:

NJ N.J. County and Municipal Law Revision
KA6.2 Commission.
40A:6 Local contracts law... preliminary
1960 draft. 1960.

NJ N.J. County and Municipal Law Revision
KA6.2 Commission.
40A:6 Contracts ... draft. 1960.
1960a

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CHAPTER 199
APPROVED 6-9-71

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SENATE, No. 629

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1970

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

AN ACT concerning counties and municipalities in relation to lands and buildings and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Short title. This act shall be known and be cited as the "Local
2 Lands and Buildings Law."

3 Source: New.

1 2. Definitions. The following words shall have the following
2 meanings, unless the context clearly indicates the contrary:

3 (a) "Acquire" shall include acquisition by gift, devise, purchase,
4 *exchange, grant,* lease or condemnation unless otherwise indi-
4A cated.

5 (b) "Buildings" shall include any building or buildings and any
6 structures, improvements, ingress or egress, grounds or plazas,
7 necessary and incidental to the purpose of the building and the
8 safety, comfort and well-being of its occupants.

9 (c) "Capital improvements" shall include, in addition to build-
10 ings, any structures, fixtures, edifices, byways, parking lots, service
11 facilities, and any other facility necessary and incidental to the
12 lawful performance of any function of a county or municipality.

13 (d) "County" means any county of this State of whatever class.

14 (e) "Municipality" means any town, township, borough, village
15 or city of whatever class heretofore or hereafter created under
16 general or special charter.

17 (f) "Personal property" shall mean any personal property
18 necessary and incidental to the furnishing, refurnishing or re-
19 furbishing of a building.

20 (g) "Real property" shall include, in addition to the usual
21 connotations thereof, any right, interest or estate in the area ex-
22 tending above any real property, or capital improvement thereon,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

23 to such a height or altitude as any title, interest or estate in real
24 property may extend, commonly known as "air rights."

25 (h) "Resolution" or "ordinance" when used in connection with
26 the action of a county or municipality means a resolution or ordi-
27 nance adopted by the governing body of the county or municipality.
28 In any case in which a resolution or ordinance authorizing the ex-
29 penditure of public moneys is required to be approved by any other
30 board, body or commission of the State, county or municipality,
31 "resolution" or "ordinance" shall mean also adopted or approved
32 by the board, body or commission authorized to take such action
33 on behalf of the State, county or municipality.

34 (i) "Sale" shall include the conveyance of any estate, interest,
35 easement or title to, or the waiver, release, or modification of any
36 conditions, restrictions or limitations on any real property, capital
37 improvement or personal property of the county or municipality,
38 but shall not include any lease or exchange of such property.

39 Source: New.

ACQUISITION

1 3. Acquisition of lands and buildings.

2 (a) Any county or municipality may acquire, construct and main-
3 tain such buildings or other capital improvements as may be neces-
4 sary and suitable for the performance of its functions, the accom-
5 modation of the courts required to be held in the county or
6 municipality, the conduct of public business and the use of the
7 county and municipal departments, officers, boards, commissions
8 and agencies in charge of institutions and facilities and any other
9 county or municipal public purposes, and from time to time as
10 necessary, repair, alter, enlarge, rebuild, furnish, refurnish, refur-
11 bish or rehabilitate such buildings.

12 (b) Any county or municipality may acquire the necessary land
13 for the construction thereon of buildings or other capital improve-
14 ments or additions thereto and for suitable surrounding grounds
15 and parking facilities to be used in connection therewith. Any such
16 buildings, capital improvements or facilities may be constructed
17 and maintained upon real property acquired by the county or
18 municipality.

19 (c) A county or municipality may furnish and equip such build-
20 ings, improvements and facilities for the proper use thereof and
21 may from time to time as may be necessary, repair and replace
22 the furnishings and equipment thereof.

23 Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40-60-6,
24 amended 1954, c. 39.

1 4. Further acquisitions authorized. Any county or municipality
2 may acquire:

3 (a) Any real property, capital improvement, personal property
4 or any interest or estate whatsoever therein, including easements,
5 water, water power, or water rights, either within or without the
6 county or municipality, **except that no such property belonging to*
6A *the State or any of its agencies, a county or any municipality shall*
6B *be acquired without its express consent,** or

7 (b) Any outstanding easement, right or interest in any real
8 property, capital improvement or personal property previously
9 acquired by the county or municipality which the governing body
10 shall determine to be necessary or useful for the proper exercise of
11 any power conferred or duty imposed upon the county or munici-
12 pality by this or any other law; but this section shall not operate,
13 or be construed, to repeal or supersede any law requiring the con-
14 sent of any other county or municipality, or any State authority,
15 department, agency or commission for the acquisition of any such
16 property.

17 Source: R. S. 40:32-2; 40:60-2.

1 ***[**5. Additional powers, Any county, by resolution, or any
2 municipality, by ordinance, may provide for the acquisition of any
3 real property, capital improvement, or personal property, other
4 than by condemnation:

5 (a) By purchase, gift, devise, lease, exchange, or condemnation;

6 (b) Subject to lawful conditions, restrictions or limitations as to
7 its use by the county or municipality, provided the governing body
8 accepts such lawful conditions, restrictions or limitations. When
9 any county or municipality shall have acquired any real property,
10 capital improvement or personal property upon any lawful con-
11 dition, restriction or limitation, it is hereby authorized to take such
12 steps as may be necessary and proper to the compliance by the
13 county or municipality with such lawful conditions, restrictions or
14 limitations;

15 (c) Whenever the governing body of any county or municipality
16 to which there has been conveyed any real property, capital im-
17 provement, or personal property subject to such lawful conditions,
18 restrictions or limitations shall by ordinance, in the case of a mu-
19 nicipality, and by resolution, in the case of a county, determine
20 that said real property, capital improvement or personal property
21 can no longer be used advantageously for the purposes for which
22 the same were acquired by the county or municipality, said county
23 or municipality may, by ordinance or resolution, authorize the sale
24 or exchange pursuant to section 14 of this act of the interest of the

25 county or municipality in said real property, capital improvement
26 or personal property to the person from whom the same was
27 acquired;

28 (d) Whether the acquisition of any real property is by lease,
29 purchase, or exchange, the governing body may require the con-
30 struction or repair of any capital improvement as a condition of
31 acquisition.

32 Any county or municipality having acquired any real property,
33 capital improvement or personal property or any estate or interest
34 therein, which acquisition or estate or interest shall have become
35 unsuited or inconvenient for the use for which it was acquired,
36 may, at any time convert a portion or the whole thereof to any
37 other public use unless otherwise provided by law or by the terms
38 of acquisition.

39 Source: R. S. 40:32-2; 40:32-10, amended 1953, c. 119; 40:60-2;
40 40:60-9; C. 40:60-27.4 (1950, c. 7); R. S. 40:60-37; 40:60-38.]*

1 *5. *Additional powers. (a) Any county, by resolution, or any mu-*
2 *nicipality, by ordinance, may provide for the acquisition of any real*
3 *property, capital improvement, or personal property:*

4 (1) *By purchase, gift, devise, lease, exchange, or condemnation;*

5 (2) *Subject to lawful conditions, restrictions or limitations as to*
6 *its use by the county or municipality, provided the governing body*
7 *accepts such lawful conditions, restrictions or limitations. When*
8 *any county or municipality shall have acquired any real property,*
9 *capital improvement or personal property upon any lawful con-*
10 *dition, restriction or limitation, it is hereby authorized to take such*
11 *steps as may be necessary and proper to the compliance by the*
12 *county or municipality with such lawful conditions, restrictions or*
13 *limitations;*

14 (3) *Whether the acquisition of any real property is by lease, pur-*
15 *chase, or exchange, the governing body may require the construc-*
16 *tion or repair of any capital improvement as a condition of acquisi-*
17 *tion.*

18 (b) *Any county or municipality having acquired any real prop-*
19 *erty, capital improvement or personal property or any real estate*
20 *or interest therein, which acquisition or estate or interest shall have*
21 *become unsuited or inconvenient for the use for which it was ac-*
22 *quired, may, at any time convert a portion or the whole thereof to*
23 *any other public use unless otherwise provided by law or by the*
24 *terms of acquisition.*

25 (c) *Whenever the governing body of any county or municipality*
26 *to which there has been conveyed any real property, capital im-*
27

28 *provement, or personal property subject to such lawful conditions,*
 29 *restrictions or limitations shall by ordinance, in the case of a mu-*
 30 *nicipality, and by resolution, in the case of a county, determine that*
 31 *said real property, capital improvement or personal property can*
 32 *no longer be used advantageously for the purposes for which the*
 33 *same were acquired by the county or municipality, said county or*
 34 *municipality may, by ordinance or resolution, authorize the sale or*
 35 *exchange pursuant to section 13 of this act of the interest of the*
 36 *county or municipality in said real property, capital improvement*
 37 *or personal property.*

38 *Whenever the county or municipality, by resolution or ordinance,*
 39 *as the case may be, determines that property, which has been ac-*
 40 *quired by purchase, gift, devise, lease, exchange or otherwise for a*
 41 *nominal or no consideration for a specific purpose, or subject to*
 42 *lawful conditions, restrictions or limitations as to its use, can no*
 43 *longer be used for the purposes for which acquired, it may offer*
 44 *or reconvey said property to the original grantor or his heirs for a*
 45 *similar or no consideration, prior to other disposition pursuant to*
 46 *section 13 of this act.*

47 *Source: R. S. 40:32-2; 40:32-10, amended 1953, c. 119; 40:60-2;*
 48 *40:60-9; C. 40:60-27.4 (1950, c. 7); R. S. 40:60-37; 40:60-38.*

1 6. Authorization to incur indebtedness and make appropria-
 2 tions.

3 (a) Whenever, pursuant to law, a county or municipality is
 4 authorized to acquire or improve any real property or capital im-
 5 provement, or both, or any personal property, the county or munici-
 6 pality may provide for the payment of the cost of such acquisition
 7 or improvement, or both, in whole or in part, by the incurring of
 8 indebtedness and issuance of bonds in accordance with the "Local
 9 Bond Law," (chapter 2 of Title 40A of the New Jersey Statutes)
 10 or by having provided an appropriation in the annual budget for
 11 the purpose, pursuant to the provisions of the "Local Budget Law,"
 12 (chapter 4 of Title 40A of the New Jersey Statutes).

13 (b) Whenever, pursuant to law, a county or municipality is au-
 14 thorized to maintain or operate any real property, capital improve-
 15 ment, or personal property, or any facility, the county or municipal-
 16 ity may provide for the payment of the cost of such maintenance or
 17 operation, or both, by budget appropriation in the manner provided
 18 by law, any sums obtained from earnings of such property or facil-
 19 ity, if any, or from any other lawful revenue source, pursuant to the
 20 provisions of the "Local Budget Law" (chapter 4 of Title 40A of
 21 the New Jersey Statutes).

22 Source: New.

1 7. Subsequent acquisition of outstanding interests. Any
2 county or municipality having acquired any real property, capital
3 improvement or personal property or any estate or interest therein
4 subject to any lawful conditions, restrictions or limitations upon its
5 use may subsequently acquire such outstanding interest.

6 In any case in which a county or municipality seeks to acquire
7 such interest or estate by purchase or condemnation, the amount to
8 be paid to the owner of the reversionary or other private right or
9 estate or expectancy shall be the value of such right, subject to the
10 continued use of the property for the purpose or purposes for which
11 it was acquired by the county or municipality.

12 Source: R. S. 40:60-38.

1 8. Acquisition of interests in lieu of enforcement of claims. When
2 a county or municipality has or shall have acquired a lien or other
3 interests by judgment, mortgage, tax, assessment, sale for taxes
4 or assessments, or otherwise, against any real property, the county
5 or municipality may purchase or otherwise acquire said real prop-
6 erty or any interest therein, or any lien thereon, without the
7 necessity of taking or completing the necessary proceedings in any
8 court of competent jurisdiction to enforce its lien or to obtain
9 satisfaction for its interest in said real property.

10 The consideration to be paid by such acquisition shall not exceed
11 in any one case the approximate amount of the cost of the proceed-
12 ings ordinarily incidental to the enforcement of the lien, or to
13 obtain satisfaction for its interest in said real property, to be
14 determined by resolution of the governing body of said county or
15 municipality, except that in the case of the purchase or release of
16 any tax lien of the State of New Jersey on real property, or of
17 any right, title, interest or estate of the State in real property,
18 arising out of any tax lien created or existing under Title 54 of
19 the Revised Statutes, the consideration to be paid for the purchase
20 or release of said lien or the assignment or the conveyance of the
21 right, title, interest or estate of the State shall be such amount as
22 may be agreed upon between the governing body of the county or
23 municipality and the Director of the Division of Taxation in the
24 Department of the Treasury, not exceeding the total amount of the
25 tax assessed, with interest and costs, and the director is hereby
26 authorized when in his judgment such action will better serve the
27 interests of the State and the county or municipality (a) to propose
28 a settlement and receive payment in satisfaction thereof, in an
29 amount less than the tax assessed with interest and costs, and
30 (b) to apportion said taxes, interest and costs in those cases where
31 more than one parcel of property is involved.

32 Source: R. S. 40:60-3, amended 1940, c. 140; 1943, c. 39.

1 9. Joint departmental acquisitions and joint use of buildings.
 2 Any county or municipality may provide for the construction and
 3 maintenance of one or more buildings and structures for the use
 4 of any department or for the joint use of two or more departments
 5 and may acquire suitable land therefor. Where in any municipality
 6 there is a board having certain governmental functions as well as
 7 a governing body any two or more such bodies may join in the pur-
 8 chase or condemnation of land and the construction and mainte-
 9 nance of buildings for common use by such departments, parts
 10 thereof, or officers of the bodies so joining. Any such governing
 11 body may permit any such other body thereof the use of any land
 12 or building, or part thereof, controlled by it upon such terms as
 13 may be mutually agreed upon.

14 Source: R. S. 40:60-8.

1 10. Joint purchase of lands and construction of buildings or
 2 other capital improvements for joint use. Any county or munici-
 3 pality ***therein may acquire land and construct*** *may contract*
 3A *with each other or with any other county or municipality for*
 3B *the purpose of acquiring land and constructing** thereon a building
 4 or buildings or other capital improvements for their joint use.
 5 Title thereto shall be taken in the manner and their respective uses
 6 provided by agreement between the governing bodies ***of the**
 7 **county and municipality*** *thereof.** The expense of acquisition of
 8 such land and the construction of a building or buildings or other
 9 capital improvements and of the maintenance thereof shall be
 10 divided ***between the county and municipality*** in such manner as
 11 the governing bodies shall agree upon.

12 Source: R. S. 40:32-5.

1 ***11.** Temporary quarters. Any county or municipality may
 2 lease, temporarily, any suitable building, when needed by reason
 3 of the destruction, alteration, repairing or inadequacy of any
 4 county or municipal building, but no lease under this section shall
 5 extend beyond the period reasonably necessary for the alteration,
 6 repair or construction of an adequate county or municipal building.

7 Source: R. S. 40:60-7.]*

1 ***12.*** *11.** Early land acquisition. Any county, by resolution, or
 2 municipality, by ordinance, may acquire real property and any
 3 estate or interest therein, including a lease with option to purchase,
 4 which the governing body shall determine will be necessary or
 5 useful for the proper exercise of any power conferred upon the
 6 county or municipality by this or any other law, notwithstanding

7 that the county or municipality will not make use of such estate or
8 interest for a period not exceeding 10 years if:

9 (a) In the case of a county or municipality, (1) the county or
10 municipality has adopted a capital budget pursuant to New Jersey
11 Statutes 40A:4-43 to 40A:4-45 which shall include a program or
12 project for the expenditure of public funds for capital purposes re-
13 quiring, or likely requiring, the acquisition of such real property,
14 and (2) the proposed use for which the real property may be
15 acquired is in conformity with both the zoning ordinance and master
16 plan of the municipality, where such have been adopted, and

17 (b) In the case of a county, the county shall enter into an agree-
18 ment for payments in lieu of taxes with the municipality, in which
19 case said payments shall not be less than the aggregate amount **of*
20 *taxes** paid ***[by]*** **on** all real property acquired by the county at
21 the time of acquisition. Said agreement may be limited to the period
22 during which the county has not initiated the program or project of
23 expenditure of public funds for capital purposes adopted pursuant
24 to its capital budget.

25 During the period prior to the initiation of a program or project
26 for the expenditure of public funds for capital purposes pursuant
27 to the capital budget of the county or municipality, the county or
28 municipality shall have all the powers and duties of a private per-
29 son for purposes of collection of rents, fees, service charges and
30 the provision of safe, decent and sanitary housing, section ***[26]***
31 **24** to the contrary notwithstanding. Housing facilities in being at
32 the time of ***[acquisition]*** **acquisition** shall be operated, main-
33 tained and improved by the county or municipality, or where the
34 county or municipality so elects, by a county or municipal housing
35 authority created pursuant to the Local Housing Authorities Law,
36 (P. L. 1938, c. 19).

37 Source: New.

1 ***[13.]*** **12.** Acquisition of property in other States; necessity
2 for and manner of acquisition. When a county, by resolution, or mu-
3 nicipality, by ordinance, determines that any real property located
4 in a foreign state is necessary to the beneficial use of property in this
5 State owned by the county or municipality it may acquire such
6 property located in a foreign state, either in the corporate name
7 of the county or municipality or in the name of a trustee for the
8 county or municipality.

9 ***[(a)]*** The governing body of a county or municipality acquiring
10 or which has acquired real property pursuant to this section, shall
11 annually file with the Division of Local Finance in the Department

12 of Community Affairs a resolution indicating the location of the
 13 property so acquired, its cost, the real parties in interest from
 14 whom the real property was purchased; the cost of operating or
 15 maintaining any improvements or facilities thereon (including
 16 taxes); and the purpose for which it was purchased.]*

17 *[(b)]* In any case in which real property has been acquired pur-
 18 suant to this section, and is determined by a county, by resolution,
 19 or a municipality, by ordinance, to no longer be necessary to the
 20 beneficial use of property in this State, said property shall be sold
 21 pursuant to the provisions of section *[(14)]* *13* of this act. Such
 22 a determination shall be made in any case in which the real property
 23 in this State owned by the county or municipality, for whose bene-
 24 ficial use of which the real property located in the foreign state is
 25 purchased, shall have been sold or exchanged by the county or
 26 municipality.

27 Source: R. S. 40:60-4.

SALE, LEASE OR EXCHANGE

1 *[(14.)]* *13.* Sales of real property, capital improvements or per-
 2 sonal property; exceptions; procedure. Any county or municipality
 3 may sell any real property, capital improvements or personal prop-
 4 erty, or interests therein, not needed for public use, as set forth in
 5 the resolution or ordinance authorizing the sale, other than county
 6 or municipal lands, real property otherwise dedicated or restricted
 7 pursuant to law, and, except as otherwise provided by law, all such
 8 sales shall be made by one of the following methods:

9 (a) By public sale to the highest bidder after advertisement
 10 thereof in a newspaper circulating in the municipality or munici-
 11 palities in which the lands are situated by two insertions at least
 12 once a week during 2 consecutive weeks, the last publication to be
 13 not earlier than 7 days prior to such sale. In the case of public
 14 sales, the governing body may by resolution fix a minimum price,
 15 or prices, with or without the reservation of the right, to reject
 16 all bids where the highest bid is not accepted. Notice of such
 17 reservation shall be included in the advertisement of the sale
 18 and public notice thereof shall be given at the time of sale. Such
 19 resolution may provide, without fixing a minimum price, that upon
 20 the completion of the bidding, the highest bid may be accepted or
 21 all the bids may be rejected. The invitation to bid may also
 22 impose restrictions on the use to be made of such real property,
 23 capital improvement or personal property and any conditions of
 24 sale as to buildings or structures, or as to the type, size, or other
 25 specifications of buildings or structures to be constructed thereon,

26 or as to demolition, repair, or reconstruction of buildings or struc-
27 tures, and the time within which such conditions shall be operative,
28 or any other conditions of sale in like manner and to the same extent
29 as by any other vendor. Such conditions shall be included in the
30 advertisement, as well as the nature of the interest retained by the
31 county or municipality. Such restrictions or conditions shall be
32 related to a lawful public purpose and encourage and promote fair
33 and competitive bidding of the county or municipality and shall
34 not, in the case of a municipality, be inconsistent with or impose
35 a special or higher standard than any zoning ordinance or building,
36 plumbing, electrical, or similar code or ordinance then in effect in
37 the municipality.

38 In any case in which a county or municipality intends to retain
39 an estate or interest in any real property, capital improvement or
40 personal property, in the nature of an easement, contingent or
41 reversionary, the invitation to bid and the advertisements required
42 herein shall require each bidder to submit one bid under each Option
43 A and Option B below.

44 (1) Option A shall be for the real property, capital improvement
45 or personal property subject to the conditions or restrictions im-
46 posed, or interest or estate retained, which the county or munici-
47 pality proposes to retain or impose.

48 (2) Option B shall be for the real property, capital improvement
49 or personal property to be sold free of all such restrictions, condi-
50 tions, interests or estates on the part of the county or municipality.

51 The county or the municipality may elect or reject either or both
52 options and the highest bid for each. Such acceptance or rejec-
53 tion shall be made not later than at the second regular meeting
54 of the governing body following the sale, and, if the governing
55 body shall not so accept such highest bid, or reject all bids, said
56 bids shall be deemed to have been rejected. Any such sale may be
57 adjourned at the time advertised for not more than 1 week with-
58 out readvertising.

59 (b) At private sale when authorized by resolution, in the case
60 of a county, or by ordinance, in the case of a municipality, in the
61 following cases:

62 (1) A sale to any political subdivision, agency, department,
63 commission, board or body corporate and politic of the State of
64 New Jersey or to an interstate agency or body of which the
65 State of New Jersey is a member or to the United States of
66 America or any department or agency thereof.

67 (2) A sale to a person submitting a bid pursuant to subsection
68 (a) of this section where all bids have been rejected,
69 provided that the terms and price agreed to shall in no event
70 be less than the highest bid rejected and provided further that
71 the terms and conditions of sale shall remain identical.

72 (3) A sale by any county or municipality when it has or
73 shall have conveyed its right, title and interest in any real property,
74 capital improvement or personal property not needed for
75 public use, and it was assumed and intended that there should
76 be conveyed a good and sufficient title in fee simple to said real
77 property, capital improvement or personal property, free of all
78 encumbrances and the full consideration has been paid therefor,
79 and it shall thereafter appear that the title conveyed was insufficient
80 or that said county or municipality at the time of said conveyance
81 was not the owner of some estate or interest in said real property,
82 capital improvement or personal property or of some encumbrances
83 thereon and the county or municipality shall thereafter acquire a good
84 and sufficient title in fee simple, free of all encumbrances of said
85 real property, capital improvement or personal property or shall acquire
86 such outstanding estate or interest thereon or outstanding encumbrance
87 thereon and said county or municipality, by resolution of the governing
88 body and without the payment of any additional consideration, has
89 deemed to convey or otherwise transfer to said purchaser, his heirs
90 or assigns, such after-acquired title, or estate or interest in, or
91 encumbrance upon, such real property, capital improvement or personal
92 property to perfect the title or interest previously conveyed.

93 (4) A sale of an easement upon any real property previously
94 conveyed by any county or municipality may be made when the governing
95 body of any county by resolution, or any municipality, by ordinance,
96 has elected to release the public rights in the nature of easements,
97 in, on, over or under any real property within the county or the
98 municipality, as the case may be, upon such terms as shall be agreed
99 upon with the owner of such lands, if the use of such rights is no
100 longer desirable, necessary or required for public purposes.

101 In the case of any sale of real property hereafter made pursuant
102 to subsection (b) of this section, in no event shall the price agreed
103 upon with the owner be less than the difference between the highest
104 bid accepted for the real property subject to easements (Option A)
105 and the highest bid rejected for the

109 real property not subject to easements (Option B). After the
110 adoption of the resolution or ordinance, and compliance by the
111 owner of said real property with the terms thereof, said real
112 property shall be free, and entirely discharged of and from
113 such rights of the public and of the county or municipality,
114 as the case may be, but no such release shall affect the right
115 of lawful occupancy or use of any such real property by any
116 municipal or private utility to occupy or use any such real
117 property lawfully occupied or used by it.

118 A list of the property so authorized to be sold, pursuant to
119 subsection (b) of this section, together with the minimum prices
120 respectively, as determined by the governing body, shall be included
121 in the resolution or ordinance authorizing the sale, and said list
122 shall be posted on the bulletin board or other conspicuous space in
123 the building which the governing body usually holds its regular
124 meetings, and advertisement thereof made in a newspaper circu-
125 lating in the municipality or municipalities in which the real
126 property, capital improvement or personal property is situated
127 within 5 days following enactment of said resolution or ordinance.
128 Offers for any or all properties so listed may thereafter be made to
129 the governing body or its designee for a period of 20 days following
130 the advertisement herein required, at not less than said minimum
131 prices, by any prospective purchaser, real estate broker, or other
132 authorized representative. In any such case, the governing body
133 may reconsider its resolution or ordinance, not later than 30 days
134 after its enactment, and advertise the real property, capital im-
135 provement, or personal property in question for public sale pur-
136 suant to subsection (a) of this section.

137 Any county or municipality selling any real property, capital
138 improvement or personal property pursuant to subsection (b) of
139 this section shall file with the Director of the Division of Local
140 Finance in the Department of Community Affairs, sworn affidavits
141 verifying the publication of advertisements as required by this
142 subsection.

143 All sales either public or private may be made for cash or upon
144 credit. A deposit not exceeding 1% of the minimum price or value
145 of the property to be sold may be required of all bidders. When
146 made upon credit, the county or municipality may accept a pur-
147 chase-money mortgage, upon terms and conditions which shall be
148 fixed by the resolution of the governing body; provided, however,
149 that when such mortgage shall be fully payable within 5 years from
150 the date of the sale and shall bear interest at a rate equal to that

151 authorized under Title 31 of the Revised Statutes, as amended and
 152 supplemented, and the regulations issued pursuant thereto, or the
 153 rate last paid by the county or municipality upon any issue of notes
 154 pursuant to the Local Bond Law (chapter 2 of Title 40A of the
 155 New Jersey Statutes), whichever is highest. The governing body
 156 may, by resolution, fix the time for closing of title and payment of
 157 the consideration.

158 In all sales made pursuant to this section, the governing body of
 159 any county or municipality may provide for the payment of a com-
 160 mission to any real estate broker, or authorized representative
 161 other than the purchaser actually consummating such sale, but said
 162 commissions shall not exceed, in the aggregate, 5% of the sale price,
 163 and be paid, where there has been a public sale, only in the event
 164 that the sum of the commission and the highest bid price does not
 165 exceed the next highest bid price (exclusive of any realtor's
 166 commission).

167 Source: R. S. 40:9-1; 40:32-8, amended 1950, c. 50; 40:32-9;
 168 40:60-26, amended 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160;
 169 1946, c. 106; 1947, c. 417; 1948, c. 245; 1957, c. 86; 40:60-27; 40:60-29;
 170 40:60-36; 40:60-37; ***[c.]*** *C.* 40:60-38.1 (1964, c. 109); R. S.
 171 40:60-39, amended 1947, c. 305; 1950, c. 3, s. 1; 1961, c. 96, s. 1;
 172 *1970, c. 250, s. 1,* 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96, s.
 173 2*; 1970, c. 250, s. 2.*

1 ***[15.]*** *14.* Leasing of county or municipal real property,
 2 capital improvements or personal property. Any county or munici-
 3 pality may lease any real property, capital improvement or personal
 4 property not needed for public use as set forth in the resolution or
 5 ordinance authorizing the lease, other than county or municipal real
 6 property otherwise dedicated or restricted pursuant to law, and
 7 except as otherwise provided by law, all such leases shall be made in
 8 the manner provided by this section.

9 (a) In the case of a lease to any private person, said lease shall
 10 be made by public letting to the highest bidder after advertisement
 11 thereof in a newspaper circulating in the municipality or municipi-
 12 palities in which the leasehold is situated by two insertions at least
 13 once a week during 2 consecutive weeks; the lease publication to
 14 be not earlier than 7 days prior to the letting of the lease. The
 15 governing body may, by resolution, fix a minimum rental with the
 16 reservation of the right ***[.]*** to reject all bids where the highest bid
 17 is not accepted. Notice of such reservation shall be included in the
 18 advertisement of the letting of the lease and public notice thereof
 19 shall be given of the time of the letting of the lease. Such resolution

20 may provide that upon the completion of the bidding, the highest
21 bid may be accepted or all of the bids may be rejected. It shall
22 also set out the conditions, restrictions and limitations upon the
23 tenancy subject to the lease. Acceptance or rejection of the bid or
24 bids shall be made not later than at the second regular meeting of
25 the governing body following the opening of the bids, and, if the
26 governing body shall not so accept such highest bid, or reject all
27 bids, said bids shall be deemed to have been rejected. Any such
28 award may be adjourned at the time advertised for not more than
29 1 week without readvertising.

30 (b) In the case of a lease to a public body, the lease may be upon
31 such terms and conditions and for nominal or other consideration
32 as the governing body of the county or municipality shall approve
33 by ordinance or resolution.

34 (c) In the case of a lease to a nonprofit corporation for a public
35 purpose, the lease shall be authorized by resolution, in the case of
36 a county, or by ordinance, in the case of a municipality, and may
37 be for nominal or other consideration. Said authorization shall
38 include the nominal or other consideration for the lease; the name
39 of the corporation or corporations who shall be the lessees; the
40 public purpose served by the lessee; the number of persons benefit-
41 ing from the public purpose served by the lessees, whether within
42 or without the municipality in which the leasehold is located; the
43 term of the lease, and the officer, employee or agency responsible
44 for enforcement of the conditions of the lease. Said ordinance or
45 resolution shall also require any nonprofit corporation holding a
46 lease for a public purpose pursuant to this section, to annually
47 submit a report to the officer, employee or agency designated by
48 the governing body, setting out the use to which the leasehold was
49 put during each year, the activities of the lessee undertaken in
50 furtherance of the public purpose for which the leasehold was
51 granted; the approximate value or cost, if any, of such activities
52 in furtherance of such purpose; and an affirmation of the continued
53 tax-exempt status of the nonprofit corporation pursuant to both
54 State and Federal law.

55 Source: New.

1 ***[16.]*** *15.* Purposes for which leases for a public purpose may
2 be made. A leasehold for a term not in excess of 50 years may be
3 made pursuant to this act and extended for an additional 25 years by
4 ordinance or resolution thereafter for any county or municipal
5 public purpose, including, but not limited to:

6 (a) The provision of fire protection, first aid, rescue and
7 emergency services by an association duly incorporated for such
8 purposes.

9 (b) The provision of health care or services by a nonprofit clinic,
10 hospital, residential home, out-patient center or other similar
11 corporation or association.

12 (c) The housing, recreation, education or health care of veterans
13 of any war of the United States by any nonprofit corporation or
14 association.

15 (d) Mental health, or psychiatric services or education for the
16 mentally ill, mentally retarded, mentally defective by any non-
17 profit corporation or association.

18 (e) Any shelter care or services for persons aged 62 or over
19 receiving Social Security payments, pensions, or disability benefits
20 which constitute a substantial portion of the gross income by any
21 nonprofit corporation or association.

22 (f) Services or care for the education or treatment of cerebral
23 palsy patients by any nonprofit corporation or association.

24 (g) Any civic or historic programs or activities by duly incor-
25 porated historical societies.

26 (h) Services, education, training, care or treatment of poor or
27 indigent persons or families by any nonprofit corporation or
28 association.

29 (i) Any activity for the promotion of the health, safety, morals
30 and general welfare of the community of any nonprofit corporation
31 or association.

32 In no event shall any lease under this section be entered into for,
33 with, or on behalf of any commercial, business, trade, manufactur-
34 ing, wholesaling, retailing, or other profit-making enterprise, nor
35 shall any lease pursuant to this section be entered into with any
36 political, partisan, sectarian, denominational or religious corpora-
37 tion or association, or for any political, partisan, sectari-
38 national or religious purpose.

39 Source: R. S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34);
40 C. 40:32-20 (1958, c. 87, amended 1960, c. 185, s. 2; 1963, c. 188,
41 s. 2); C. 40:60-40.1 (1947, c. 87, amended 1964, c. 215); C. 40:60-40.2
42 (1948, c. 246, amended 1949, c. 61, s. 2); C. 40:60-40.3 (1948, c. 246);
43 C. 40:60-40.4 (1949, c. 61, s. 3); C. 40:60-40.5 (1954, c. 143, amended
44 1955, c. 127; 1964, c. 75, s. 2; 1968, c. 345, s. 2); R. S. 40:60-43,
45 amended 1962, c. 132; 1964, c. 110; *1968, c. 343;* 1969, c. 85, s.
46 1***[]***; R. S. 40:60-44; 40:60-45; C. 40:60-45.1 (1940, c. 145);
47 C. 40:60-45.2 (1947, c. 316); C. 40:60-45.3 (1950, c. 184, amended
48 1951, c. 132, s. 2; 1955, c. 130; 1957, c. 105; 1965, c. 149; 1966, c. 253,

49 s. 1; 1968, c. 261); C. 40:60-45.4 (1954, c. 184, amended 1966, c. 35);
 50 C. 40:60-45.5 (1965, c. 228); ***[C. 40:60-51.11 (1964, c. 71);**
 51 **C. 40:60-51.6 (1957, c. 148)]** **C. 40:60-51.6 (1957, c. 148);*
 52 *C. 40:60-51.11 (1964, c. 71); C. 40:60-51.12 (1966, c. 238)*.*

1 ***[17.]*** *16.* Exchanges of certain lands; exceptions. The gov-
 2 erning body of any county, by resolution, or any municipality, by
 3 ordinance, may exchange any lands or any rights or interests therein
 4 owned by the county or municipality, except lands used for public
 5 highways or places, for other lands desired for public use. The
 6 county or municipality may exact and receive a cash consideration
 7 in addition to such other lands when such exchange shall be autho-
 8 rized, and such governing body determines that the lands to be con-
 9 veyed to such county or municipality or such lands and the cash
 10 consideration to be paid are at least of equal value to, and their
 11 acquisition is more advantageous to, the county or municipality for
 12 public use, than the lands to be conveyed by the county or munici-
 13 pality, and that it is in the public interest that such exchange of
 14 lands be consummated. Any prior dedication or determination for
 15 use for park purposes of such land or any part thereof, shall not pre-
 16 clude an exchange thereof under this section but where the lands to
 17 be exchanged by a municipality are lands that have been dedicated
 18 and determined for use for park purposes, the lands received in
 19 exchange therefor by the municipality shall be used for the same
 20 purposes. For purposes of this section, any land to be ex-
 21 changed by the county or municipality shall be valued at not less
 22 than the amount for which it was acquired or in the case of an ac-
 23 quisition by gift or devise, in an amount of not less than the "full
 24 and fair value" of the land as determined by the assessor of the
 25 municipality in which it is located pursuant to section 54:4-23 of
 26 the Revised Statutes for the tax year in which the land was ac-
 27 quired by the county or the municipality. Any land which shall be
 28 conveyed to the county or municipality in exchange for any county
 29 or municipal land shall be valued at no more than the "full and
 30 fair value" determined for the land by the assessor of the munici-
 31 pality in which the land is located pursuant to section 54:4-23 of
 32 the Revised Statutes for the then current tax year. In any case in
 33 which the value of the county or municipal land to be exchanged
 34 exceeds the value of the land to be received by the county or mu-
 35 nicipality, the county or municipality shall exact additional cash
 36 consideration, as authorized herein, equal to the difference of the
 37 Source: C. 40:60-51.1 (1942, c. 199, amended 1946, c. 157; 1958,
 38 two values as determined pursuant to this section.
 39 c. 160); C. 40:60-51.3 (1944, c. 77); C. 40:60-51.4 (1944, c. 77).

1 ***[18.]*** *17.* Application of proceeds of disposition of lands.
 2 When any county or municipality shall dispose of real property,
 3 capital improvements or personal property not acquired at a tax
 4 sale, having issued bonds to finance the purchase thereof, and at
 5 the time of such disposal any of said bonds are outstanding, the
 6 whole proceeds of such disposal or, so much thereof as shall be
 7 necessary shall be used for the liquidation of such bonds. Payment
 8 of such bonds may be made at or prior to maturity on cancellation.
 9 Source: R. S. 40:60-31.

OTHER MATTERS

1 ***[19.]*** *18.* Federal aid. Every county or municipality making
 2 an acquisition, sale, lease or exchange pursuant to this act may
 3 apply for, receive and expend such grants, loans, gifts and aids as
 4 may be made available to it for such purposes from any source what-
 5 soever, including, but not limited to, the United States of America
 6 or any agency or department thereof; the State of New Jersey or
 7 any agency or department thereof; of any political subdivision of
 8 this State; or any corporation, person, association or society.
 9 Source: New.

1 ***[20.]*** *19.* Conveyance of lands for public educational pur-
 2 poses. When the governing body of a county or municipality shall
 3 determine by resolution that all or any part of a tract of land im-
 4 proved or unimproved is no longer needed for public purposes, the
 5 governing body may authorize the conveyance of such lands or any
 6 portion thereof to the State when so requested or approved by reso-
 7 lution of the State Board of Education or State Board of Higher
 8 Education or to any board of education in the county or municipality
 9 or to a regional board of education of a regional school district or to
 10 a consolidated board of education of a consolidated school district
 11 ***[in the county or of which the municipality is a constituent part,]***
 11A *or the board of education of any county vocational school,*
 12 requesting or approving such conveyance by resolution, for a
 13 nominal consideration, to be used by the State for educational pur-
 14 poses ***[or for public purposes],*** connected with the district board
 15 of education or the regional board of education or the consolidated
 16 board of education *or the board of education of any county vo-
 16A cational school*, and may cause the same to be duly conveyed by
 17 its proper officers accordingly. A prior dedication or use for park
 18 purposes of such land or any part thereof shall not be deemed to
 19 preclude a transfer and conveyance thereof under the provisions
 20 of this section.

21 Source: R. S. 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3,
 22 s. 1; 1961, c. 96, s. 1 ***[]*** *; 1970, c. 250, s. 1* ; 40:60-40, amended
 23 1950, s. 3, s. 2; 1961, c. 96, s. 2***[]*** *; 1970, c. 250, s. 2*.

1 ***[21.]*** *20.* Acquisition on behalf of another public body. Any
 2 county or municipality may acquire, sell, lease or exchange, pur-
 3 suant to this act, any real property, capital improvement or personal
 4 property in trust for, on behalf of, or as agent for, any other politi-
 5 cal subdivision or body corporate and politic of this State or the
 6 United States of America, or any department or agency thereof,
 7 upon such terms and conditions as the governing body of the mu-
 8 nicipality, by ordinance, or the county, by resolution, shall adopt.

9 Source: New.

1 ***[22.]*** *21.* Private sales to certain organizations upon nominal
 2 consideration. When the governing body of any county or munici-
 3 pality shall determine that all or any part of a tract of land, with or
 4 without improvements, owned by the county or municipality, is not
 5 then needed for county or municipal purposes, as the case may be,
 6 said governing body, by resolution or ordinance, may authorize a
 7 private sale and conveyance of the same, or any part thereof without
 8 compliance with any other law governing disposal of lands by
 9 counties and municipalities for a consideration, which may be
 10 nominal, ***[upon any terms, conditions and limitations, which said**
 11 **governing body shall deem advisable, in addition to those required**
 12 **in the cases hereinafter set forth]*** *and containing a limitation
 12A *that such lands or buildings shall be used only for the purposes of*
 12B *such organization or association, and to render such services or to*
 12C *provide such facilities as may be agreed upon, and not for com-*
 12D *mercial business trade or manufacture, and that if said lands or*
 12E *buildings are not used in accordance with said limitation, title*
 12F *thereto shall revert to the county or municipality without any entry*
 12G *or reentry made thereon on behalf of such county or municipality**,
 12H to

13 (a) A duly incorporated volunteer fire company or first aid and
 14 emergency or volunteer ambulance or rescue squad association of
 15 a municipality within the county, in the case of a county, or of the
 16 municipality, in the case of a municipality, for the construction
 17 thereon of a firehouse or fire school or a first aid and emergency
 18 or volunteer ambulance or rescue squad building or for the use of
 19 any existing building for any or all of said purposes and any such
 20 land or building sold to any duly incorporated volunteer fire com-
 21 pany may be leased by such fire company to any volunteer firemen's
 22 association for the use thereof for fire school purposes for the
 23 benefit of the members of such association, or

24 (b) Any nationally chartered organization or association of vet-
25 erans of any war, in which the United States has or shall have been
26 engaged, by a conveyance for a consideration, ***[**other than nominal
27 as above provided, in lieu of which,**]** * *a part of which* * may be an
28 agreement by the organization or association to render service or
29 provide facilities for the general public of the county or municipi-
30 pality, of a kind which the county or municipality may furnish to its
31 citizens and to the general public ***[**and containing a limitation that
32 such lands or buildings shall be used only for the purposes of such
33 organization or association, and to render such services or to pro-
34-35 vide such facilities as may be agreed upon, and not for com-
36 mercial business trade or manufacture, and that if said lands or
37 buildings are not used in accordance with said limitation, title
38 thereto shall revert to the county or municipality without any entry
38A or reentry made thereon on behalf of such county or municipality**]***,
38B or

39 (c) Any duly incorporated nonprofit hospital association for the
40 construction or maintenance thereon of a general hospital ***[**by a
41 conveyance containing a limitation that if said land shall cease to
42 be used for said purposes, title thereto shall revert to the county or
43 municipality without any entry or reentry made thereon on behalf
44 of such county or municipality**]***, or

45 (d) Any paraplegic veteran, that is to say, any officer, soldier,
46 sailor, marine, nurse or other person, regularly enlisted or inducted,
47 who was or shall have been in the active military or naval forces
48 of the United States in any war in which the United States was
49 engaged, and who, at the time he was commissioned, enlisted, in-
50 ducted, appointed or mustered into such military or naval service,
51 was a resident of and who continues to reside in this State, who is
52 suffering from paraplegia and has permanent paralysis of both
53 legs or the lower parts of the body resulting from injuries sus-
54 tained through enemy action or accident while in such active mili-
55 tary or naval service, for the construction of a home to domicile
56 him, or to any organization or association of veterans, for the
57 construction of a home or homes to domicile paraplegic veterans,
58 with power to convey said lands and premises to the paraplegic
59 veteran or veterans on whose behalf said organization or associa-
60 tion shall acquire title to said lands.

61 Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87,
62 amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949,
63 c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61,

64 s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75,
65 s. 2; 1968, c. 345, s. 2); C. 40:60-51.6 (1957, c. 148).

1 *22. *Establishment of a central registry. Each municipality*
2 *and county shall establish and maintain a central registry of all*
3 *real property in which it has acquired an interest as of the effec-*
4 *tive date of this act. This registry shall also include a record of*
5 *all real property which a county or municipality may hereafter*
6 *acquire, sell or lease. It shall be in such form and contain such*
7 *information as the Division of Local Finance in the Department*
8 *of Community Affairs shall prescribe within 180 days after the*
9 *effective date of this act.*

10 *The central registry referred to herein shall:*

11 *(a) Constitute a public record;*

12 *(b) Be entitled "Municipal Real Property Registry" or*
13 *"County Real Property Registry" as may appropriate;*

14 *(c) Be maintained and available for inspection in the office of*
15 *the municipal or county clerk, as may be appropriate.*

16 *Source: New.*

1 *23. *Investigations.*

2 *(a) When any real property, capital improvements or personal*
3 *property shall have been acquired, sold, leased or exchanged by any*
4 *county or municipality pursuant to this act, and the grand jury*
5 *sitting in the county shall have presented to the court that there is*
6 *evidence of failure to fulfill specifications, enforce or impose condi-*
7 *tions, restrictions or limitations required herein, or unwarranted*
8 *preferences in any of the said transactions, which is not sufficient*
9 *for indictment pursuant to chapter 135 of Title 2A of the New*
10 *Jersey Statutes, the governing body of the county or municipality*
11 *shall present to a judge of the superior court a request to make a*
12 *summary investigation into said transactions. The judge may, in*
13 *his discretion, make such an investigation. The said judge may, in*
14 *his discretion, appoint experts to prosecute the investigation and*
15 *cause the result to be published in such manner as he may deem*
16 *proper. All members, officers, employees and agents of the board,*
17 *commission, committee or other body making the acquisition, sale,*
18 *lease or exchange, shall obey the orders of each judge for facilitat-*
19 *ing the investigation, and any failure or refusal to obey such orders*
20 *may be punished by the judge as for contempt.*

21 *The costs incurred under this section shall be fixed by the judge,*
22 *and his order be paid by the disbursing officers of the board, com-*
23 *mission, committee or other body whose expenditures have been*
24 *investigated.*

25 (b) Nothing herein shall in any way limit the power, duty or
 26 authority of the Director of the Division of Local Finance from
 27 undertaking such investigations, inquiries, or holding of such hear-
 28 ings with regard to any acquisition, sale, lease or exchange pur-
 29 suant to this act as may be authorized pursuant to the "Local
 30 Government Supervision Act (1947)," P. L. 1947, chapter 151
 31 (C. 52:27BB-1 to 52:27BB-100, as amended and supplemented.) The
 32 director shall present any evidence of any violation of this act, or
 33 of chapter 135 of Title 2A of the New Jersey Statutes, or any other
 34 act resulting from a transaction pursuant to this act to the pros-
 35 ecutor of the county in which the violation occurred or to the
 36 Attorney General forthwith.

37 Source: R. S. 40:32-4, amended 1953, c. 37, s. 60.]*

1 ***[24.]*** *23.* Display of flags on county and municipal buildings.
 2 The governing bodies of the respective counties and municipalities
 3 shall procure United States flags, flagstuffs and the appliances
 4 therefor for their particular county courthouse and the municipal
 5 buildings and shall display the flags upon or near said county
 6 courthouses and buildings during business hours and at such other
 7 times as the governing bodies may deem proper.

8 Source: R. S. 40:9-4.

1 ***[25.]*** *24.* Rental of lands and buildings or portions thereof
 2 not needed for public use; portions of buildings; rental. Every
 3 county or municipality may lease for fixed and upon prescribed
 4 terms and for private purposes any of the land or buildings or
 5 any part thereof not presently needed for public use to the person
 6 who will pay the highest rent therefor. The use by the lessee shall
 7 be of such character as not to be detrimental to the building or the
 8 use of the building or the use of the unleased part of the building.

9 Source: R. S. 40:32-12; 40:60-42.

1 ***[26.]*** *25.* Use of public building by counties and municipi-
 2 palities. Each county may authorize any municipality in the county
 3 to use, for municipal purposes, a portion of any county building
 4 and any municipality may permit the county in which it is located
 5 to use for county purposes a portion of any municipal building,
 6 not needed for the purposes of the county or the municipality, as
 7 the case may be, upon such terms as shall be agreed upon by the
 8 governing bodies of the county and the municipality.

9 Source: R. S. 40:32-11.

1 ***[27.]*** *26.* No liability for injuries to persons from use of
 2 grounds, buildings or structures. No county or municipality shall

3 be liable for injury to the person from the use of any public grounds,
4 buildings or structures, any law to the contrary notwithstanding.

5 Source: R. S. 40:9-2.

1 ***[28.]*** *27.* Construction. The language and terms of this
2 act shall be construed broadly, in order that counties and munici-
3 palities may have all of the powers necessary and incident to the
4 efficient and economical execution of their public functions, and
5 in order that the officers and employees of counties and munici-
6 palities shall have clear and unambiguous standards of conduct
7 in dealing with public real property, capital improvements or
8 personal property and moneys.

9 Source: New.

1 ***[29.]*** *28.* Saving clause. Any acquisition, sale, lease or
2 exchange made prior to the effective date of this act, pursuant to
3 any act repealed or amended pursuant to this act, is hereby
4 validated, confirmed and continued, except that no lease shall be
5 renewed or extended, except in accordance with the provisions of
6 this act.

7 Source: New.

1 ***[30.]*** *29.* Statutes repealed. The following sections, chap-
2 ters and acts, together with all amendments and supplements
3 thereto are hereby repealed:

4 Sections 40:9-1; 40:9-2; 40:9-4; 40:32-1; 40:32-2; 40:32-3;
5 40:32-4; 40:32-5; 40:32-7; 40:32-8; 40:32-9; 40:32-10; 40:32-11;
6 40:32-12; 40:32-13; 40:60-1; 40:60-2; 40:60-3; 40:60-4; 40:60-5;
7 40:60-6; 40:60-7; 40:60-8; 40:60-9; 40:60-26; 40:60-27; 40:60-29;
8 40:60-30; 40:60-31; 40:60-36; 40:60-37; 40:60-38; 40:60-39;
9 40:60-40; 40:60-42; 40:60-43; 40:60-44; 40:60-45; 40:176-1;
10 40:176-2; 40:176-11; 40:176-12 of the Revised Statutes;

11 Laws of 1940, c. 145 (C. 40:60-45.1);

12 Laws of 1942, c. 199 (C. 40:60-51.1);

13 Laws of 1942, c. 262 (C. 40:32-9.1—C. 40:32-9.2);

14 Laws of 1944, c. 77 (C. 40:60-51.3—C. 40:60-51.4);

15 Laws of 1947, c. 87 (C. 40:60-40.1);

16 Laws of 1947, c. 316 (C. 40:60-45.2);

17 Laws of 1948, c. 246 (C. 40:60-40.2—C. 40:60-40.3);

18 Laws of 1949, c. 61 (C. 40:60-40.4);

19 Laws of 1949, c. 153 (C. 40:60-27.3);

20 Laws of 1950, c. 7 (C. 40:60-27.4);

21 Laws of 1950, c. 184 (C. 40:60-45.3);

22 Laws of 1950, c. 194 (C. 40:23-6.21);

23 Laws of 1954, c. 18 (C. 40:32-13.1—C. 40:32-13.2);

- 24 Laws of 1954, c. 143 (C. 40:60-40.5);
 - 25 Laws of 1954, c. 184 (C. 40:60-45.4);
 - 26 Laws of 1957, c. 148 (C. 40:60-51.6);
 - 27 Laws of 1958, c. 87 (C. 40:32-20);
 - 28 Laws of 1960, c. 34 (C. 40:32-13.3);
 - 29 Laws of 1964, c. 71 (C. 40:60-51.11);
 - 30 Laws of 1964, c. 109 (C. 40:60-38.1);
 - 31 Laws of 1965, c. 228 (C. 40:60-45.5).
- 1 ***[31.]*** *30.* Effective date. This act shall take effect July 1,
- 2 ***[1970]*** *1971*.

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1970

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

AN ACT concerning counties and municipalities in relation to lands and buildings and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Short title. This act shall be known and be cited as the "Local
2 Lands and Buildings Law."

3 Source: New.

1 2. Definitions. The following words shall have the following
2 meanings, unless the context clearly indicates the contrary:

3 (a) "Acquire" shall include acquisition by gift, devise, purchase,
4 lease or condemnation unless otherwise indicated.

5 (b) "Buildings" shall include any building or buildings and any
6 structures, improvements, ingress or egress, grounds or plazas,
7 necessary and incidental to the purpose of the building and the
8 safety, comfort and well-being of its occupants.

9 (c) "Capital improvements" shall include, in addition to build-
10 ings, any structures, fixtures, edifices, byways, parking lots, service
11 facilities, and any other facility necessary and incidental to the
12 lawful performance of any function of a county or municipality.

13 (d) "County" means any county of this State of whatever class.

14 (e) "Municipality" means any town, township, borough, village
15 or city of whatever class heretofore or hereafter created under
16 general or special charter.

17 (f) "Personal property" shall mean any personal property
18 necessary and incidental to the furnishing, refurnishing or re-
19 furnishing of a building.

20 (g) "Real property" shall include, in addition to the usual
21 connotations thereof, any right, interest or estate in the area ex-
22 tending above any real property, or capital improvement thereon,
23 to such a height or altitude as any title, interest or estate in real
24 property may extend, commonly known as "air rights."

25 (h) "Resolution" or "ordinance" when used in connection with
 26 the action of a county or municipality means a resolution or ordi-
 27 nance adopted by the governing body of the county or municipality.
 28 In any case in which a resolution or ordinance authorizing the ex-
 29 penditure of public moneys is required to be approved by any other
 30 board, body or commission of the State, county or municipality,
 31 "resolution" or "ordinance" shall mean also adopted or approved
 32 by the board, body or commission authorized to take such action
 33 on behalf of the State, county or municipality.

34 (i) "Sale" shall include the conveyance of any estate, interest,
 35 easement or title to, or the waiver, release, or modification of any
 36 conditions, restrictions or limitations on any real property, capital
 37 improvement or personal property of the county or municipality,
 38 but shall not include any lease or exchange of such property.

39 Source: New.

ACQUISITION

1 3. Acquisition of lands and buildings.

2 (a) Any county or municipality may acquire, construct and main-
 3 tain such buildings or other capital improvements as may be neces-
 4 sary and suitable for the performance of its functions, the accom-
 5 modation of the courts required to be held in the county or
 6 municipality, the conduct of public business and the use of the
 7 county and municipal departments, officers, boards, commissions
 8 and agencies in charge of institutions and facilities and any other
 9 county or municipal public purposes, and from time to time as
 10 necessary, repair, alter, enlarge, rebuild, furnish, refurnish, refur-
 11 nish or rehabilitate such buildings.

12 (b) Any county or municipality may acquire the necessary land
 13 for the construction thereon of buildings or other capital improve-
 14 ments or additions thereto and for suitable surrounding grounds
 15 and parking facilities to be used in connection therewith. Any such
 16 buildings, capital improvements or facilities may be constructed
 17 and maintained upon real property acquired by the county or
 18 municipality.

19 (c) A county or municipality may furnish and equip such build-
 20 ings, improvements and facilities for the proper use thereof and
 21 may from time to time as may be necessary, repair and replace
 22 the furnishings and equipment thereof.

23 Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150: 40-60-6,
 24 amended 1954, c. 39.

1 4. Further acquisitions authorized. Any county or municipality
 2 may acquire:

3 (a) Any real property, capital improvement, personal property
4 or any interest or estate whatsoever therein, including easements,
5 water, water power, or water rights, either within or without the
6 county or municipality, or

7 (b) Any outstanding easement, right or interest in any real
8 property, capital improvement or personal property previously
9 acquired by the county or municipality which the governing body
10 shall determine to be necessary or useful for the proper exercise of
11 any power conferred or duty imposed upon the county or munici-
12 pality by this or any other law; but this section shall not operate,
13 or be construed, to repeal or supersede any law requiring the con-
14 sent of any other county or municipality, or any State authority,
15 department, agency or commission for the acquisition of any such
16 property.

17 Source: R. S. 40:32-2; 40:60-2.

1 5. Additional powers. Any county, by resolution, or any
2 municipality, by ordinance, may provide for the acquisition of any
3 real property, capital improvement, or personal property, other
4 than by condemnation:

5 (a) By purchase, gift, devise, lease, exchange, or condemnation;

6 (b) Subject to lawful conditions, restrictions or limitations as to
7 its use by the county or municipality, provided the governing body
8 accepts such lawful conditions, restrictions or limitations. When
9 any county or municipality shall have acquired any real property,
10 capital improvement or personal property upon any lawful con-
11 dition, restriction or limitation, it is hereby authorized to take such
12 steps as may be necessary and proper to the compliance by the
13 county or municipality with such lawful conditions, restrictions or
14 limitations;

15 (c) Whenever the governing body of any county or municipality
16 to which there has been conveyed any real property, capital im-
17 provement, or personal property subject to such lawful conditions,
18 restrictions or limitations shall by ordinance, in the case of a mu-
19 nicipality, and by resolution, in the case of a county, determine
20 that said real property, capital improvement or personal property
21 can no longer be used advantageously for the purposes for which
22 the same were acquired by the county or municipality, said county
23 or municipality may, by ordinance or resolution, authorize the sale
24 or exchange pursuant to section 14 of this act of the interest of the
25 county or municipality in said real property, capital improvement
26 or personal property to the person from whom the same was
27 acquired;

28 (d) Whether the acquisition of any real property is by lease,
 29 purchase, or exchange, the governing body may require the con-
 30 struction or repair of any capital improvement as a condition of
 31 acquisition.

32 Any county or municipality having acquired any real property,
 33 capital improvement or personal property or any estate or interest
 34 therein, which acquisition or estate or interest shall have become
 35 unsuited or inconvenient for the use for which it was acquired,
 36 may, at any time convert a portion or the whole thereof to any
 37 other public use unless otherwise provided by law or by the terms
 38 of acquisition.

39 Source: R. S. 40:32-2; 40:32-10, amended 1953, c. 119; 40:60-2;
 40 40:60-9; C. 40:60-27.4 (1950, c. 7); R. S. 40:60-37; 40:60-38.

1 6. Authorization to incur indebtedness and make appropria-
 2 tions.

3 (a) Whenever, pursuant to law, a county or municipality is
 4 authorized to acquire or improve any real property or capital im-
 5 provement, or both, or any personal property, the county or munici-
 6 pality may provide for the payment of the cost of such acquisition
 7 or improvement, or both, in whole or in part, by the incurring of
 8 indebtedness and issuance of bonds in accordance with the "Local
 9 Bond Law," (chapter 2 of Title 40A of the New Jersey Statutes)
 10 or by having provided an appropriation in the annual budget for
 11 the purpose, pursuant to the provisions of the "Local Budget Law,"
 12 (chapter 4 of Title 40A of the New Jersey Statutes).

13 (b) Whenever, pursuant to law, a county or municipality is au-
 14 thorized to maintain or operate any real property, capital improve-
 15 ment, or personal property, or any facility, the county or municipal-
 16 ity may provide for the payment of the cost of such maintenance or
 17 operation, or both, by budget appropriation in the manner provided
 18 by law, any sums obtained from earnings of such property or facil-
 19 ity, if any, or from any other lawful revenue source, pursuant to the
 20 provisions of the "Local Budget Law" (chapter 4 of Title 40A of
 21 the New Jersey Statutes).

22 Source: New.

1 7. Subsequent acquisition of outstanding interests. Any
 2 county or municipality having acquired any real property, capital
 3 improvement or personal property or any estate or interest therein
 4 subject to any lawful conditions, restrictions or limitations upon its
 5 use may subsequently acquire such outstanding interest.

6 In any case in which a county or municipality seeks to acquire
 7 such interest or estate by purchase or condemnation, the amount to

8 be paid to the owner of the reversionary or other private right or
9 estate or expectancy shall be the value of such right, subject to the
10 continued use of the property for the purpose or purposes for which
11 it was acquired by the county or municipality.

12 Source: R. S. 40:60-38.

1 8. Acquisition of interests in lieu of enforcement of claims. When
2 a county or municipality has or shall have acquired a lien or other
3 interests by judgment, mortgage, tax, assessment, sale for taxes
4 or assessments, or otherwise, against any real property, the county
5 or municipality may purchase or otherwise acquire said real prop-
6 erty or any interest therein, or any lien thereon, without the
7 necessity of taking or completing the necessary proceedings in any
8 court of competent jurisdiction to enforce its lien or to obtain
9 satisfaction for its interest in said real property.

10 The consideration to be paid by such acquisition shall not exceed
11 in any one case the approximate amount of the cost of the proceed-
12 ings ordinarily incidental to the enforcement of the lien, or to
13 obtain satisfaction for its interest in said real property, to be
14 determined by resolution of the governing body of said county or
15 municipality, except that in the case of the purchase or release of
16 any tax lien of the State of New Jersey on real property, or of
17 any right, title, interest or estate of the State in real property,
18 arising out of any tax lien created or existing under Title 54 of
19 the Revised Statutes, the consideration to be paid for the purchase
20 or release of said lien or the assignment or the conveyance of the
21 right, title, interest or estate of the State shall be such amount as
22 may be agreed upon between the governing body of the county or
23 municipality and the Director of the Division of Taxation in the
24 Department of the Treasury, not exceeding the total amount of the
25 tax assessed, with interest and costs, and the director is hereby
26 authorized when in his judgment such action will better serve the
27 interests of the State and the county or municipality (a) to propose
28 a settlement and receive payment in satisfaction thereof, in an
29 amount less than the tax assessed with interest and costs, and
30 (b) to apportion said taxes, interest and costs in those cases where
31 more than one parcel of property is involved.

32 Source: R. S. 40:60-3, amended 1940, c. 140; 1943, c. 39.

1 9. Joint departmental acquisitions and joint use of buildings.
2 Any county or municipality may provide for the construction and
3 maintenance of one or more buildings and structures for the use
4 of any department or for the joint use of two or more departments
5 and may acquire suitable land therefor. Where in any municipality

6 there is a board having certain governmental functions as well as
 7 a governing body any two or more such bodies may join in the pur-
 8 chase or condemnation of land and the construction and mainte-
 9 nance of buildings for common use by such departments, parts
 10 thereof, or officers of the bodies so joining. Any such governing
 11 body may permit any such other body thereof the use of any land
 12 or building, or part thereof, controlled by it upon such terms as
 13 may be mutually agreed upon.

14 Source: R. S. 40:60-8.

1 10. Joint purchase of lands and construction of buildings or
 2 other capital improvements for joint use. Any county or munici-
 3 pality therein may acquire land and construct thereon a building
 4 or buildings or other capital improvements for their joint use.
 5 Title thereto shall be taken in the manner and their respective uses
 6 provided by agreement between the governing bodies of the county
 7 and municipality. The expense of acquisition of such land and the
 8 construction of a building or buildings or other capital improve-
 9 ments and of the maintenance thereof shall be divided between the
 10 county and municipality in such manner as the governing bodies
 11 shall agree upon.

12 Source: R. S. 40:32-5.

1 11. Temporary quarters. Any county or municipality may
 2 lease, temporarily, any suitable building, when needed by reason
 3 of the destruction, alteration, repairing or inadequacy of any
 4 county or municipal building, but no lease under this section shall
 5 extend beyond the period reasonably necessary for the alteration,
 6 repair or construction of an adequate county or municipal building.

7 Source: R. S. 40:60-7.

1 12. Early land acquisition. Any county, by resolution, or
 2 municipality, by ordinance, may acquire real property and any
 3 estate or interest therein, including a lease with option to purchase,
 4 which the governing body shall determine will be necessary or
 5 useful for the proper exercise of any power conferred upon the
 6 county or municipality by this or any other law, notwithstanding
 7 that the county or municipality will not make use of such estate or
 8 interest for a period not exceeding 10 years if:

9 (a) In the case of a county or municipality, (1) the county or
 10 municipality has adopted a capital budget pursuant to New Jersey
 11 Statutes 40A:4-43 to 40A:4-45 which shall include a program or
 12 project for the expenditure of public funds for capital purposes re-
 13 quiring, or likely requiring, the acquisition of such real property,
 14 and (2) the proposed use for which the real property may be

15 acquired is in conformity with both the zoning ordinance and master
16 plan of the municipality, where such have been adopted, and

17 (b) In the case of a county, the county shall enter into an agree-
18 ment for payments in lieu of taxes with the municipality, in which
19 case said payments shall not be less than the aggregate amount
20 paid by all real property acquired by the county at the time of
21 acquisition. Said agreement may be limited to the period during
22 which the county has not initiated the program or project of ex-
23 penditure of public funds for capital purposes adopted pursuant
24 to its capital budget.

25 During the period prior to the initiation of a program or project
26 for the expenditure of public funds for capital purposes pursuant
27 to the capital budget of the county or municipality, the county or
28 municipality shall have all the powers and duties of a private per-
29 son for purposes of collection of rents, fees, service charges and
30 the provision of safe, decent and sanitary housing, section 26 to
31 the contrary notwithstanding. Housing facilities in being at the
32 time of acquisition shall be operated, maintained and improved by
33 the county or municipality, or where the county or municipality so
34 elects, by a county or municipal housing authority created pursuant
35 to the Local Housing Authorities Law, (P. L. 1938, c. 19).

36 Source: New.

1 13. Acquisition of property in other States; necessity for and
2 manner of acquisition. When a county, by resolution, or munici-
3 pality, by ordinance, determines that any real property located in
4 a foreign state is necessary to the beneficial use of property in this
5 State owned by the county or municipality it may acquire such
6 property located in a foreign state, either in the corporate name
7 of the county or municipality or in the name of a trustee for the
8 county or municipality.

9 (a) The governing body of a county or municipality acquiring
10 or which has acquired real property pursuant to this section, shall
11 annually file with the Division of Local Finance in the Department
12 of Community Affairs a resolution indicating the location of the
13 property so acquired, its cost, the real parties in interest from
14 whom the real property was purchased; the cost of operating or
15 maintaining any improvements or facilities thereon (including
16 taxes); and the purpose for which it was purchased.

17 (b) In any case in which real property has been acquired pur-
18 suant to this section, and is determined by a county, by resolution,
19 or a municipality, by ordinance, to no longer be necessary to the
20 beneficial use of property in this State, said property shall be sold

21 pursuant to the provisions of section 14 of this act. Such a deter-
 22 mination shall be made in any case in which the real property in
 23 this State owned by the county or municipality, for whose beneficial
 24 use of which the real property located in the foreign state is pur-
 25 chased, shall have been sold or exchanged by the county or
 26 municipality.

27 Source: R. S. 40:60-4.

SALE, LEASE OR EXCHANGE

1 14. Sales of real property, capital improvements or personal
 2 property; exceptions; procedure. Any county or municipality may
 3 sell any real property, capital improvements or personal property,
 4 or interests therein, not needed for public use, as set forth in the
 5 resolution or ordinance authorizing the sale, other than county or
 6 municipal lands, real property otherwise dedicated or restricted
 7 pursuant to law, and, except as otherwise provided by law, all such
 8 sales shall be made by one of the following methods:

9 (a) By public sale to the highest bidder after advertisement
 10 thereof in a newspaper circulating in the municipality or municipi-
 11 palities in which the lands are situated by two insertions at least
 12 once a week during 2 consecutive weeks, the last publication to be
 13 not earlier than 7 days prior to such sale. In the case of public
 14 sales, the governing body may by resolution fix a minimum price,
 15 or prices, with or without the reservation of the right, to reject
 16 all bids where the highest bid is not accepted. Notice of such
 17 reservation shall be included in the advertisement of the sale
 18 and public notice thereof shall be given at the time of sale. Such
 19 resolution may provide, without fixing a minimum price, that upon
 20 the completion of the bidding, the highest bid may be accepted or
 21 all the bids may be rejected. The invitation to bid may also
 22 impose restrictions on the use to be made of such real property,
 23 capital improvement or personal property and any conditions of
 24 sale as to buildings or structures, or as to the type, size, or other
 25 specifications of buildings or structures to be constructed thereon,
 26 or as to demolition, repair, or reconstruction of buildings or struc-
 27 tures, and the time within which such conditions shall be operative,
 28 or any other conditions of sale in like manner and to the same extent
 29 as by any other vendor. Such conditions shall be included in the
 30 advertisement, as well as the nature of the interest retained by the
 31 county or municipality. Such restrictions or conditions shall be
 32 related to a lawful public purpose and encourage and promote fair
 33 and competitive bidding of the county or municipality and shall
 34 not, in the case of a municipality, be inconsistent with or impose
 35 a special or higher standard than any zoning ordinance or building,

36 plumbing, electrical, or similar code or ordinance then in effect in
37 the municipality.

38 In any case in which a county or municipality intends to retain
39 an estate or interest in any real property, capital improvement or
40 personal property, in the nature of an easement, contingent or
41 reversionary, the invitation to bid and the advertisements required
42 herein shall require each bidder to submit one bid under each Option
43 A and Option B below.

44 (1) Option A shall be for the real property, capital improvement
45 or personal property subject to the conditions or restrictions im-
46 posed, or interest or estate retained, which the county or munici-
47 pality proposes to retain or impose.

48 (2) Option B shall be for the real property, capital improvement
49 or personal property to be sold free of all such restrictions, condi-
50 tions, interests or estates on the part of the county or municipality.

51 The county or the municipality may elect or reject either or both
52 options and the highest bid for each. Such acceptance or rejec-
53 tion shall be made not later than at the second regular meeting
54 of the governing body following the sale, and, if the governing
55 body shall not so accept such highest bid, or reject all bids, said
56 bids shall be deemed to have been rejected. Any such sale may be
57 adjourned at the time advertised for not more than 1 week with-
58 out readvertising.

59 (b) At private sale when authorized by resolution, in the case
60 of a county, or by ordinance, in the case of a municipality, in the
61 following cases:

62 (1) A sale to any political subdivision, agency, department,
63 commission, board or body corporate and politic of the State of
64 New Jersey or to an interstate agency or body of which the
65 State of New Jersey is a member or to the United States of
66 America or any department or agency thereof.

67 (2) A sale to a person submitting a bid pursuant to subsec-
68 tion (a) of this section where all bids have been rejected,
69 provided that the terms and price agreed to shall in no event
70 be less than the highest bid rejected and provided further that
71 the terms and conditions of sale shall remain identical.

72 (3) A sale by any county or municipality when it has or
73 shall have conveyed its right, title and interest in any real prop-
74 erty, capital improvement or personal property not needed for
75 public use, and it was assumed and intended that there should
76 be conveyed a good and sufficient title in fee simple to said real
77 property, capital improvement or personal property, free of all

78 encumbrances and the full consideration has been paid therefor,
79 and it shall thereafter appear that the title conveyed was in-
80 sufficient or that said county or municipality at the time of said
81 conveyance was not the owner of some estate or interest in said
82 real property, capital improvement or personal property or of
83 some encumbrances thereon and the county or municipality
84 shall thereafter acquire a good and sufficient title in fee simple,
85 free of all encumbrances of said real property, capital improve-
86 ment or personal property or shall acquire such outstanding
87 estate or interest thereon or outstanding encumbrance thereon
88 and said county or municipality, by resolution of the governing
89 body and without the payment of any additional consideration,
90 has deemed to convey or otherwise transfer to said purchaser,
91 his heirs or assigns, such after-acquired title, or estate or in-
92 terest in, or encumbrance upon, such real property, capital
93 improvement or personal property to perfect the title or
94 interest previously conveyed.

95 (4) A sale of an easement upon any real property previously
96 conveyed by any county or municipality may be made when the
97 governing body of any county by resolution, or any municipi-
98 pality, by ordinance, has elected to release the public rights in
99 the nature of easements, in, on, over or under any real property
100 within the county or the municipality, as the case may be, upon
101 such terms as shall be agreed upon with the owner of such
102 lands, if the use of such rights is no longer desirable, necessary
103 or required for public purposes.

104 In the case of any sale of real property hereafter made pur-
105 suant to subsection (b) of this section, in no event shall the
106 price agreed upon with the owner be less than the difference
107 between the highest bid accepted for the real property subject
108 to easements (Option A) and the highest bid rejected for the
109 real property not subject to easements (Option B). After the
110 adoption of the resolution or ordinance, and compliance by the
111 owner of said real property with the terms thereof, said real
112 property shall be free, and entirely discharged of and from
113 such rights of the public and of the county or municipality,
114 as the case may be, but no such release shall affect the right
115 of lawful occupancy or use of any such real property by any
116 municipal or private utility to occupy or use any such real
117 property lawfully occupied or used by it.

118 A list of the property so authorized to be sold, pursuant to
119 subsection (b) of this section, together with the minimum prices

120 respectively, as determined by the governing body, shall be included
121 in the resolution or ordinance authorizing the sale, and said list
122 shall be posted on the bulletin board or other conspicuous space in
123 the building which the governing body usually holds its regular
124 meetings, and advertisement thereof made in a newspaper circu-
125 lating in the municipality or municipalities in which the real
126 property, capital improvement or personal property is situated
127 within 5 days following enactment of said resolution or ordinance.
128 Offers for any or all properties so listed may thereafter be made to
129 the governing body or its designee for a period of 20 days following
130 the advertisement herein required, at not less than said minimum
131 prices, by any prospective purchaser, real estate broker, or other
132 authorized representative. In any such case, the governing body
133 may reconsider its resolution or ordinance, not later than 30 days
134 after its enactment, and advertise the real property, capital im-
135 provement, or personal property in question for public sale pur-
136 suant to subsection (a) of this section.

137 Any county or municipality selling any real property, capital
138 improvement or personal property pursuant to subsection (b) of
139 this section shall file with the Director of the Division of Local
140 Finance in the Department of Community Affairs, sworn affidavits
141 verifying the publication of advertisements as required by this
142 subsection.

143 All sales either public or private may be made for cash or upon
144 credit. A deposit not exceeding 1% of the minimum price or value
145 of the property to be sold may be required of all bidders. When
146 made upon credit, the county or municipality may accept a pur-
147 chase-money mortgage, upon terms and conditions which shall be
148 fixed by the resolution of the governing body; provided, however,
149 that when such mortgage shall be fully payable within 5 years from
150 the date of the sale and shall bear interest at a rate equal to that
151 authorized under Title 31 of the Revised Statutes, as amended and
152 supplemented, and the regulations issued pursuant thereto, or the
153 rate last paid by the county or municipality upon any issue of notes
154 pursuant to the Local Bond Law (chapter 2 of Title 40A of the
155 New Jersey Statutes), whichever is highest. The governing body
156 may, by resolution, fix the time for closing of title and payment of
157 the consideration.

158 In all sales made pursuant to this section, the governing body of
159 any county or municipality may provide for the payment of a com-
160 mission to any real estate broker, or authorized representative
161 other than the purchaser actually consummating such sale, but said

162 commissions shall not exceed, in the aggregate, 5% of the sale price,
163 and be paid, where there has been a public sale, only in the event
164 that the sum of the commission and the highest bid price does not
165 exceed the next highest bid price (exclusive of any realtor's
166 commission).

167 Source: R. S. 40:9-1; 40:32-8, amended 1950, c. 50; 40:32-9;
168 40:60-26, amended 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160;
169 1946, c. 106; 1947, c. 417; 1948, c. 245; 1957, c. 86; 40:60-27; 40:60-29;
170 40:60-36; 40:60-37; c. 40:60-38.1 (1964, c. 109); R. S. 40:60-39,
171 amended 1947, c. 305; 1950, c. 3, s. 1; 1961, c. 96, s. 1; 40:60-40,
172 amended 1950, c. 3, s. 2; 1961, c. 96, s. 2.

1 15. Leasing of county or municipal real property, capital im-
2 provements or personal property. Any county or municipality may
3 lease any real property, capital improvement or personal property
4 not needed for public use as set forth in the resolution or ordinance
5 authorizing the lease, other than county or municipal real property
6 otherwise dedicated or restricted pursuant to law, and except as
7 otherwise provided by law, all such leases shall be made in the
8 manner provided by this section.

9 (a) In the case of a lease to any private person, said lease shall
10 be made by public letting to the highest bidder after advertisement
11 thereof in a newspaper circulating in the municipality or municipi-
12 palities in which the leasehold is situated by two insertions at least
13 once a week during 2 consecutive weeks; the lease publication to
14 be not earlier than 7 days prior to the letting of the lease. The
15 governing body may, by resolution, fix a minimum rental with the
16 reservation of the right, to reject all bids where the highest bid is
17 not accepted. Notice of such reservation shall be included in the
18 advertisement of the letting of the lease and public notice thereof
19 shall be given of the time of the letting of the lease. Such resolution
20 may provide that upon the completion of the bidding, the highest
21 bid may be accepted or all of the bids may be rejected. It shall
22 also set out the conditions, restrictions and limitations upon the
23 tenancy subject to the lease. Acceptance or rejection of the bid or
24 bids shall be made not later than at the second regular meeting of
25 the governing body following the opening of the bids, and, if the
26 governing body shall not so accept such highest bid, or reject all
27 bids, said bids shall be deemed to have been rejected. Any such
28 award may be adjourned at the time advertised for not more than
29 1 week without readvertising.

30 (b) In the case of a lease to a public body, the lease may be upon
31 such terms and conditions and for nominal or other consideration
32 as the governing body of the county or municipality shall approve
33 by ordinance or resolution.

34 (c) In the case of a lease to a nonprofit corporation for a public
35 purpose, the lease shall be authorized by resolution, in the case of
36 a county, or by ordinance, in the case of a municipality, and may
37 be for nominal or other consideration. Said authorization shall
38 include the nominal or other consideration for the lease; the name
39 of the corporation or corporations who shall be the lessees; the
40 public purpose served by the lessee; the number of persons benefit-
41 ing from the public purpose served by the lessees, whether within
42 or without the municipality in which the leasehold is located; the
43 term of the lease, and the officer, employee or agency responsible
44 for enforcement of the conditions of the lease. Said ordinance or
45 resolution shall also require any nonprofit corporation holding a
46 lease for a public purpose pursuant to this section, to annually
47 submit a report to the officer, employee or agency designated by
48 the governing body, setting out the use to which the leasehold was
49 put during each year, the activities of the lessee undertaken in
50 furtherance of the public purpose for which the leasehold was
51 granted; the approximate value or cost, if any, of such activities
52 in furtherance of such purpose; and an affirmation of the continued
53 tax-exempt status of the nonprofit corporation pursuant to both
54 State and Federal law.

55 Source: New.

1 16. Purposes for which leases for a public purpose may be
2 made. A leasehold for a term not in excess of 50 years may be made
3 pursuant to this act and extended for an additional 25 years by
4 ordinance or resolution thereafter for any county or municipal
5 public purpose, including, but not limited to:

6 (a) The provision of fire protection, first aid, rescue and
7 emergency services by an association duly incorporated for such
8 purposes.

9 (b) The provision of health care or services by a nonprofit clinic,
10 hospital, residential home, out-patient center or other similar
11 corporation or association.

12 (c) The housing, recreation, education or health care of veterans
13 of any war of the United States by any nonprofit corporation or
14 association.

15 (d) Mental health, or psychiatric services or education for the
16 mentally ill, mentally retarded, mentally defective by any non-
17 profit corporation or association.

18 (e) Any shelter care or services for persons aged 62 or over
19 receiving Social Security payments, pensions, or disability benefits
20 which constitute a substantial portion of the gross income by any
21 nonprofit corporation or association.

22 (f) Services or care for the education or treatment of cerebral
23 palsy patients by any nonprofit corporation or association.

24 (g) Any civic or historic programs or activities by duly incor-
25 porated historical societies.

26 (h) Services, education, training, care or treatment of poor or
27 indigent persons or families by any nonprofit corporation or
28 association.

29 (i) Any activity for the promotion of the health, safety, morals
30 and general welfare of the community of any nonprofit corporation
31 or association.

32 In no event shall any lease under this section be entered into for,
33 with, or on behalf of any commercial, business, trade, manufactur-
34 ing, wholesaling, retailing, or other profit-making enterprise, nor
35 shall any lease pursuant to this section be entered into with any
36 political, partisan, sectarian, denominational or religious corpora-
37 tion or association, or for any political, partisan, sectarian, denomi-
38 national or religious purpose.

39 Source: R. S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34);
40 C. 40:32-20 (1958, c. 87, amended 1960, c. 185, s. 2; 1963, c. 188,
41 s. 2); C. 40:60-40.1 (1947, c. 87, amended 1964, c. 215); C. 40:60-40.2
42 (1948, c. 246, amended 1949, c. 61, s. 2); C. 40:60-40.3 (1948, c. 246);
43 C. 40:60-40.4 (1949, c. 61, s. 3); C. 40:60-40.5 (1954, c. 143, amended
44 1955, c. 127; 1964, c. 75, s. 2; 1968, c. 345, s. 2); R. S. 40:60-43,
45 amended 1962, c. 132; 1964, c. 110; 1969, c. 85, s. 1); R. S. 40:60-44;
46 40:60-45; C. 40:60-45.1 (1940, c. 145); C. 40:60-45.2 (1947, c. 316);
47 C. 40:60-45.3 (1950, c. 184, amended 1951, c. 132, s. 2; 1955, c. 130;
48 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1; 1968, c. 261); C. 40:60-45.4
49 (1954, c. 184, amended 1966, c. 35); C. 40:60-45.5 (1965, c. 228);
50 C. 40:60-51.11 (1964, c. 71); C. 40:60-51.6 (1957, c. 148).

1 17. Exchanges of certain lands; exceptions. The governing body
2 of any county, by resolution, or any municipality, by ordinance,
3 may exchange any lands or any rights or interests therein owned
4 by the county or municipality, except lands used for public high-
5 ways or places, for other lands desired for public use. The county
6 or municipality may exact and receive a cash consideration in addi-
7 tion to such other lands when such exchange shall be authorized,
8 and such governing body determines that the lands to be conveyed
9 to such county or municipality or such lands and the cash considera-
10 tion to be paid are at least of equal value to, and their acquisition
11 is more advantageous to, the county or municipality for public use,
12 than the lands to be conveyed by the county or municipality, and
13 that it is in the public interest that such exchange of lands be
14 consummated. Any prior dedication or determination for use for
15 park purposes of such land or any part thereof, shall not preclude
16 an exchange thereof under this section but where the lands to be
17 exchanged by a municipality are lands that have been dedicated
18 and determined for use for park purposes, the lands received in
19 exchange therefor by the municipality shall be used for the same

20 purposes. For purposes of this section, any land to be ex-
 21 changed by the county or municipality shall be valued at not less
 22 than the amount for which it was acquired or in the case of an ac-
 23 quisition by gift or devise, in an amount of not less than the "full
 24 and fair value" of the land as determined by the assessor of the
 25 municipality in which it is located pursuant to section 54:4-23 of
 26 the Revised Statutes for the tax year in which the land was ac-
 27 quired by the county or the municipality. Any land which shall be
 28 conveyed to the county or municipality in exchange for any county
 29 or municipal land shall be valued at no more than the "full and
 30 fair value" determined for the land by the assessor of the munici-
 31 pality in which the land is located pursuant to section 54:4-23 of
 32 the Revised Statutes for the then current tax year. In any case in
 33 which the value of the county or municipal land to be exchanged
 34 exceeds the value of the land to be received by the county or mu-
 35 nicipality, the county or municipality shall exact additional cash
 36 consideration, as authorized herein, equal to the difference of the
 37 two values as determined pursuant to this section.

38 Source: C. 40:60-51.1 (1942, c. 199, amended 1946, c. 157; 1958,
 39 c. 160); C. 40:60-51.3 (1944, c. 77); C. 40:60-51.4 (1944, c. 77).

1 18. Application of proceeds of disposition of lands. When any
 2 county or municipality shall dispose of real property, capital im-
 3 provements or personal property not acquired at a tax sale, having
 4 issued bonds to finance the purchase thereof, and at the time of
 5 such disposal any of said bonds are outstanding, the whole proceeds
 6 of such disposal or, so much thereof as shall be necessary shall
 7 be used for the liquidation of such bonds. Payment of such bonds
 8 may be made at or prior to maturity on cancellation.

9 Source: R. S. 40:60-31.

OTHER MATTERS

1 19. Federal aid. Every county or municipality making an
 2 acquisition, sale, lease or exchange pursuant to this act may apply
 3 for, receive and expend such grants, loans, gifts and aids as may be
 4 made available to it for such purposes from any source whatsoever,
 5 including, but not limited to, the United States of America or any
 6 agency or department thereof; the State of New Jersey or any
 7 agency or department thereof; of any political subdivision of this
 8 State; or any corporation, person, association or society.

9 Source: New.

1 20. Conveyance of lands for public educational purposes.
 2 When the governing body of a county or municipality shall deter-
 3 mine by resolution that all or any part of a tract of land improved or
 4 unimproved is no longer needed for public purposes, the governing

5 body may authorize the conveyance of such lands or any portion
 6 thereof to the State when so requested or approved by resolution
 7 of the State Board of Education or State Board of Higher Educa-
 8 tion or to any board of education in the county or municipality or
 9 to a regional board of education of a regional school district or to
 10 a consolidated board of education of a consolidated school district
 11 in the county or of which the municipality is a constituent part,
 12 requesting or approving such conveyance by resolution, for a
 13 nominal consideration, to be used by the State for educational pur-
 14 poses or for public purposes, connected with the district board of
 15 education or the regional board of education or the consolidated
 16 board of education, and may cause the same to be duly conveyed by
 17 its proper officers accordingly. A prior dedication or use for park
 18 purposes of such land or any part thereof shall not be deemed to
 19 preclude a transfer and conveyance thereof under the provisions
 20 of this section.

21 Source: R. S. 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3,
 22 s. 1; 1961, c. 96, s. 1); 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96,
 23 s. 2).

1 21. Acquisition on behalf of another public body. Any county
 2 or municipality may acquire, sell, lease or exchange, pursuant to
 3 this act, any real property, capital improvement or personal prop-
 4 erty in trust for, on behalf of, or as agent for, any other political
 5 subdivision or body corporate and politic of this State or the United
 6 States of America, or any department or agency thereof, upon such
 7 terms and conditions as the governing body of the municipality, by
 8 ordinance, or the county, by resolution, shall adopt.

9 Source: New.

1 22. Private sales to certain organizations upon nominal con-
 2 sideration. When the governing body of any county or municipality
 3 shall determine that all or any part of a tract of land, with or with-
 4 out improvements, owned by the county or municipality, is not then
 5 needed for county or municipal purposes, as the case may be, said
 6 governing body, by resolution or ordinance, may authorize a private
 7 sale and conveyance of the same, or any part thereof without com-
 8 pliance with any other law governing disposal of lands by counties
 9 and municipalities for a consideration, which may be nominal, upon
 10 any terms, conditions and limitations, which said governing body
 11 shall deem advisable, in addition to those required in the cases
 12 hereinafter set forth, to

13 (a) A duly incorporated volunteer fire company or first aid and
 14 emergency or volunteer ambulance or rescue squad association of
 15 a municipality within the county, in the case of a county, or of the

16 municipality, in the case of a municipality, for the construction
17 thereon of a firehouse or fire school or a first aid and emergency
18 or volunteer ambulance or rescue squad building or for the use of
19 any existing building for any or all of said purposes and any such
20 land or building sold to any duly incorporated volunteer fire com-
21 pany may be leased by such fire company to any volunteer firemen's
22 association for the use thereof for fire school purposes for the
23 benefit of the members of such association, or

24 (b) Any nationally chartered organization or association of vet-
25 erans of any war, in which the United States has or shall have been
26 engaged, by a conveyance for a consideration, other than nominal
27 as above provided, in lieu of which, may be an agreement by the
28 organization or association to render service or provide facilities
29 for the general public of the county or municipality, of a kind which
30 the county or municipality may furnish to its citizens and to the
31 general public and containing a limitation that such lands or build-
32 ings shall be used only for the purposes of such organization or
33 association, and to render such services or to provide such facilities
34 as may be agreed upon, and not for commercial business trade or
35 manufacture, and that if said lands or buildings are not used in
36 accordance with said limitation, title thereto shall revert to the
37 county or municipality without any entry or reentry made thereon
38 on behalf of such county or municipality, or

39 (c) Any duly incorporated nonprofit hospital association for the
40 construction or maintenance thereon of a general hospital by a
41 conveyance containing a limitation that if said land shall cease to
42 be used for said purposes, title thereto shall revert to the county or
43 municipality without any entry or reentry made thereon on behalf
44 of such county or municipality, or

45 (d) Any paraplegic veteran, that is to say, any officer, soldier,
46 sailor, marine, nurse or other person, regularly enlisted or inducted,
47 who was or shall have been in the active military or naval forces
48 of the United States in any war in which the United States was
49 engaged, and who, at the time he was commissioned, enlisted, in-
50 ducted, appointed or mustered into such military or naval service,
51 was a resident of and who continues to reside in this State, who is
52 suffering from paraplegia and has permanent paralysis of both
53 legs or the lower parts of the body resulting from injuries sus-
54 tained through enemy action or accident while in such active mili-
55 tary or naval service, for the construction of a home to domicile
56 him, or to any organization or association of veterans, for the
57 construction of a home or homes to domicile paraplegic veterans,
58 with power to convey said lands and premises to the paraplegic

59 veteran or veterans on whose behalf said organization or associa-
60 tion shall acquire title to said lands.

61 Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87,
62 amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949,
63 c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61,
64 s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75,
65 s. 2; 1968, c. 345, s. 2); C. 40:60-51.6 (1957, c. 148).

1 23. Investigations.

2 (a) When any real property, capital improvements or personal
3 property shall have been acquired, sold, leased or exchanged by any
4 county or municipality pursuant to this act, and the grand jury
5 sitting in the county shall have presented to the court that there is
6 evidence of failure to fulfill specifications, enforce or impose condi-
7 tions, restrictions or limitations required herein, or unwarranted
8 preferences in any of the said transactions, which is not sufficient
9 for indictment pursuant to chapter 135 of Title 2A of the New
10 Jersey Statutes, the governing body of the county or municipality
11 shall present to a judge of the superior court a request to make a
12 summary investigation into said transactions. The judge may, in
13 his discretion, make such an investigation. The said judge may, in
14 his discretion, appoint experts to prosecute the investigation and
15 cause the result to be published in such manner as he may deem
16 proper. All members, officers, employees and agents of the board,
17 commission, committee or other body making the acquisition, sale,
18 lease or exchange, shall obey the orders of each judge for facilitat-
19 ing the investigation, and any failure or refusal to obey such orders
20 may be punished by the judge as for contempt.

21 The costs incurred under this section shall be fixed by the judge,
22 and his order be paid by the disbursing officers of the board, com-
23 mission, committee or other body whose expenditures have been
24 investigated.

25 (b) Nothing herein shall in any way limit the power, duty or
26 authority of the Director of the Division of Local Finance from
27 undertaking such investigations, inquiries, or holding of such hear-
28 ings with regard to any acquisition, sale, lease or exchange pur-
29 suant to this act as may be authorized pursuant to the "Local
30 Government Supervision Act (1947)," P. L. 1947, chapter 151
31 (C. 52:27BB-1 to 52:27BB-100, as amended and supplemented.) The
32 director shall present any evidence of any violation of this act, or
33 of chapter 135 of Title 2A of the New Jersey Statutes, or any other
34 act resulting from a transaction pursuant to this act to the pros-
35 ecutor of the county in which the violation occurred or to the
36 Attorney General forthwith.

37 Source: R. S. 40:32-4, amended 1953, c. 37, s. 60.

1 24. Display of flags on county and municipal buildings. The
2 governing bodies of the respective counties and municipalities shall
3 procure United States flags, flagstuffs and the appliances therefor
4 for their particular county courthouse and the municipal buildings
5 and shall display the flags upon or near said county courthouses
6 and buildings during business hours and at such other times as the
7 governing bodies may deem proper.

8 Source: R. S. 40:9-4.

1 25. Rental of lands and buildings or portions thereof not
2 needed for public use; portions of buildings; rental. Every county
3 or municipality may lease for fixed and upon prescribed terms and
4 for private purposes any of the land or buildings or any part
5 thereof not presently needed for public use to the person who will
6 pay the highest rent therefor. The use by the lessee shall be of such
7 character as not to be detrimental to the building or the use of the
8 building or the use of the unleased part of the building.

9 Source: R. S. 40:32-12; 40:60-42.

1 26. Use of public building by counties and municipalities. Each
2 county may authorize any municipality in the county to use, for
3 municipal purposes, a portion of any county building and any
4 municipality may permit the county in which it is located to use for
5 county purposes a portion of any municipal building, not needed
6 for the purposes of the county or the municipality, as the case may
7 be, upon such terms as shall be agreed upon by the governing bodies
8 of the county and the municipality.

9 Source: R. S. 40:32-11.

1 27. No liability for injuries to persons from use of grounds,
2 buildings or structures. No county or municipality shall be liable
3 for injury to the person from the use of any public grounds, build-
4 ings or structures, any law to the contrary notwithstanding.

5 Source: R. S. 40:9-2.

1 28. Construction. The language and terms of this act shall be
2 construed broadly, in order that counties and municipalities may
3 have all of the powers necessary and incident to the efficient and
4 economical execution of their public functions, and in order that the
5 officers and employees of counties and municipalities shall have
6 clear and unambiguous standards of conduct in dealing with public
7 real property, capital improvements or personal property and
8 moneys.

9 Source: New.

1 29. Saving clause. Any acquisition, sale, lease or exchange
2 made prior to the effective date of this act, pursuant to any act

3 repealed or amended pursuant to this act, is hereby validated, con-
 4 firmed and continued, except that no lease shall be renewed or
 5 extended, except in accordance with the provisions of this act.

6 Source: New.

1 30. Statutes repealed. The following sections, chapters and acts,
 2 together with all amendments and supplements thereto are hereby
 3 repealed:

4 Sections 40:9-1; 40:9-2; 40:9-4; 40:32-1; 40:32-2; 40:32-3;
 5 40:32-4; 40:32-5; 40:32-7; 40:32-8; 40:32-9; 40:32-10; 40:32-11;
 6 40:32-12; 40:32-13; 40:60-1; 40:60-2; 40:60-3; 40:60-4; 40:60-5;
 7 40:60-6; 40:60-7; 40:60-8; 40:60-9; 40:60-26; 40:60-27; 40:60-29;
 8 40:60-30; 40:60-31; 40:60-36; 40:60-37; 40:60-38; 40:60-39;
 9 40:60-40; 40:60-42; 40:60-43; 40:60-44; 40:60-45; 40:176-1;
 10 40:176-2; 40:176-11; 40:176-12 of the Revised Statutes;

11 Laws of 1940, c. 145 (C. 40:60-45.1);

12 Laws of 1942, c. 199 (C. 40:60-51.1);

13 Laws of 1942, c. 262 (C. 40:32-9.1—C. 40:32-9.2);

14 Laws of 1944, c. 77 (C. 40:60-51.3—C. 40:60-51.4);

15 Laws of 1947, c. 87 (C. 40:60-40.1);

16 Laws of 1947, c. 316 (C. 40:60-45.2);

17 Laws of 1948, c. 246 (C. 40:60-40.2—C. 40:60-40.3);

18 Laws of 1949, c. 61 (C. 40:60-40.4);

19 Laws of 1949, c. 153 (C. 40:60-27.3);

20 Laws of 1950, c. 7 (C. 40:60-27.4);

21 Laws of 1950, c. 184 (C. 40:60-45.3);

22 Laws of 1950, c. 194 (C. 40:23-6.21);

23 Laws of 1954, c. 18 (C. 40:32-13.1—C. 40:32-13.2);

24 Laws of 1954, c. 143 (C. 40:60-40.5);

25 Laws of 1954, c. 184 (C. 40:60-45.4);

26 Laws of 1957, c. 148 (C. 40:60-51.6);

27 Laws of 1958, c. 87 (C. 40:32-20);

28 Laws of 1960, c. 34 (C. 40:32-13.3);

29 Laws of 1964, c. 71 (C. 40:60-51.11);

30 Laws of 1964, c. 109 (C. 40:60-38.1);

31 Laws of 1965, c. 228 (C. 40:60-45.5).

1 31. Effective date. This act shall take effect July 1, 1970.

STATEMENT

This bill in effect is a reintroduction of 1969 Senate Bill No. 283 to include certain provisions set forth in the Governor's conditional veto message.

5629 (1971)

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

March 8, 1971

SENATE BILL NO. 629

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 629, with my objections, for reconsideration.

Senate Bill No. 629 is designated the "Local Lands and Buildings Law" and is a revision of those provisions of Title 40 which prescribe procedures for the acquisition and sale of land and buildings by counties and municipalities.

This measure, along with Senate Bills No. 626, 627, 628, and 641, strikes at the heart of the problem of revising the outdated body of laws affecting counties and municipalities and, although the content may be uninspiring, a recognition of the public interest in the results of this revision has caused me to render close attention to all aspects of each of these bills.

An earlier version of Senate Bill No. 629, Senate Bill No. 283 (1969), was submitted to my predecessor in office who, after review, returned it for reconsideration with certain objections. Many of those suggestions were accepted and incorporated into the new measure which, upon introduction, became Senate Bill No. 629. I am making additional suggestions primarily of a technical nature which I believe merit consideration.

The section of Senate Bill No. 629 which authorizes a county or municipality to reconvey to the person from whom the same was acquired, property purchased subject to lawful conditions, restrictions, or limitations and determined to be no longer useful for the purposes originally conveyed, has been amended. I believe that when a grantor makes a conveyance to a county or municipality for nominal or no consideration and attaches certain stipulations to that conveyance, that grantor should be given an opportunity to repurchase that interest for the same consideration if the county or municipality determines that the property is no longer needed, and that this should be done before said property is offered for disposition at public sale.

I do not believe that joint purchase and use of lands should be limited to counties and municipalities that are located therein. Adjacent municipalities should be encouraged to cooperate whenever it is desirable to do so and they should not be restricted by what are in some instances arbitrary boundaries which pay no heed to physical relationship.

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EXECUTIVE DEPARTMENT

Senate Bill No. 629

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Counties and municipalities are authorized under the acquisition section of this bill to lease lands and buildings. Therefore, I feel that the section on temporary quarters is redundant and potentially restrictive.

The authorization of private sales for nominal consideration must be carefully controlled in order to assure that the public will be adequately protected. It would seem that in any such sale stipulations should be made that the property in question may not be used for commercial purposes.

I have recommended the omission of the section dealing with Investigations. Any matter which would be dealt with in a grand jury presentment would ordinarily have been investigated and presented to the grand jury by the county prosecutor since the grand jury itself has no investigatory staff. It seems wholly inappropriate to have the Assignment Judge direct a re-investigation of that which has already been investigated by the governmental official having responsibility in such matters. Furthermore, this provision imposes upon judges a non-judicial duty by requiring them to conduct investigations of governmental affairs outside the judicial branch of government.

Accordingly, I herewith return Senate Bill No. 629, with the following changes, for reconsideration:

Page 1, Section 2, Line 3: After "purchase," insert "exchange, grant"

Page 3, Section 4, Line 6: After "municipality" insert "except that no such property belonging to the State or any of its agencies, a county or any municipality shall be acquired without its express consent,"

Pages 3 and 4, Section 5, Lines 1 - 40: Omit entire section and insert:

"5. Additional powers. (a) Any county, by resolution, or any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property:

"(1) By purchase, gift, devise, lease, exchange, or condemnation;

"(2) Subject to lawful conditions, restrictions or limitations as to its use by the county or municipality, provided the governing body accepts such lawful conditions, restrictions or limitations. When any county or municipality shall have acquired any real property, capital improvement or personal property upon any lawful condition, restriction or limitation, it is hereby authorized to take such

STATE OF NEW JERSEY
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steps as may be necessary and proper to the compliance by the county or municipality with such lawful conditions, restrictions or limitations;

"(3) Whether the acquisition of any real property is by lease, purchase, or exchange, the governing body may require the construction or repair of any capital improvement as a condition of acquisition.

"(b) Any county or municipality having acquired any real property, capital improvement or personal property or any real estate or interest therein, which acquisition or estate or interest shall have become unsuited or inconvenient for the use for which it was acquired, may, at any time convert a portion or the whole thereof to any other public use unless otherwise provided by law or by the terms of acquisition.

"(c) Whenever the governing body of any county or municipality to which there has been conveyed any real property, capital improvement, or personal property subject to such lawful conditions, restrictions or limitations shall by ordinance, in the case of a municipality, and by resolution, in the case of a county, determine that said real property, capital improvement or personal property can no longer be used advantageously for the purposes for which the same were acquired by the county or municipality, said county or municipality may, by ordinance or resolution, authorize the sale or exchange pursuant to section 13 of this act of the interest of the county or municipality in said real property, capital improvement or personal property.

"Whenever the county or municipality, by resolution or ordinance, as the case may be, determines that property, which has been acquired by purchase, gift, devise, lease, exchange or otherwise for a nominal or no consideration for a specific purpose, or subject to lawful conditions, restrictions or limitations as to its use, can no longer be used for the purposes for which acquired, it may offer or reconvey said property to the original grantor or his heirs for a similar or no consideration, prior to other disposition pursuant to section 13 of this act. Source: R. S. 40:32-2; 40:32-10, amended 1953, c. 119; 40:60-2; 40:60-9; C. 40:60-27.4 (1950, c. 7); R. S. 40:60-37; 40:60-38."

Page 6, Section 10, Line 3: Omit "therein may acquire land and construct" and insert "may contract with each other or with any other county or municipality for the purpose of acquiring land and constructing"

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Page 6, Section 10, Lines 6 and 7: Omit "of the county and municipality"
and insert "thereof"

Page 6, Section 10, Lines 9 and 10: Omit "between the county and
municipality"

Page 6, Section 11, Lines 1 - 7: Omit entire section

Page 6, Section 12, Line 1: Omit "12" and insert "11"

Page 7, Section 12, Line 19: After "amount" insert "of taxes"

Page 7, Section 12, Line 20: After "paid" omit "by" and insert "on"

Page 7, Section 12, Line 30: Omit "26" and insert "24"

Page 7, Section 12, Line 32: Omit "asquisition" and insert "acquisition"

Page 7, Section 13, Line 1: Omit "13" and insert "12"

Page 7, Section 13, Lines 9 - 16: Omit entire lines

Page 7, Section 13, Line 17: Omit "(b)"

Page 8, Section 13, Line 21: Omit "14" and insert "13"

Page 8, Section 14, Line 1: Omit "14" and insert "13"

Page 12, Section 14, Line 170: After "40:60-37;" omit "c" and insert "C"

Page 12, Section 14, Line 171: After "1961, c. 96, s. 1;" insert "1970,
c. 250, s. 1;"

Page 12, Section 14, Line 172: After "1961, c. 96, s. 2" insert "; 1970,
c. 250, s. 2"

Page 12, Section 15, Line 1: Omit "15" and insert "14"

Page 12, Section 15, Line 16: After "right" omit ","

Page 13, Section 16, Line 1: Omit "16" and insert "15"

Page 14, Section 16, Line 45: After "1964, c. 110;" insert "1968, c. 343;"

Page 14, Section 16, Line 45: After "1969, c. 85, s. 1" omit ")"

Page 14, Section 16, Line 50: Omit "C. 40:60-51.11 (1964, c. 71);
C. 40:60-51.6 (1957, c. 148)" and insert "C. 40:60-51.6 (1957, c. 148); C. 40:60-51.11
(1964, c. 71); C. 40:60-51.12 (1966, c. 238)"

Page 14, Section 17, Line 1: Omit "17" and insert "16"

Page 15, Section 18, Line 1: Omit "18" and insert "17"

Page 15, Section 19, Line 1: Omit "19" and insert "18"

Page 15, Section 20, Line 1: Omit "20" and insert "19"

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Page 16, Section 20, Line 11: Omit "in the county or of which the municipality is a constituent part," and insert "or the board of education of any county vocational school,"

Page 16, Section 20, Line 14: Omit "or for public purposes"

Page 16, Section 20, Line 16: After "education" insert "or the board of education of any county vocational school"

Page 16, Section 20, Line 22: After "1961, c. 96, s. 1" omit ")" and insert "; 1970, c. 250, s. 1"

Page 16, Section 20, Line 23: After "s. 2" omit ")" and insert "; 1970, c. 250, s. 2"

Page 16, Section 21, Line 1: Omit "21" and insert "20"

Page 16, Section 22, Line 1: Omit "22" and insert "21"

Page 16, Section 22, Lines 9 - 12: Omit "upon any terms, conditions and limitations, which said governing body shall deem advisable, in addition to those required in the cases hereinafter set forth" insert "and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality"

Page 17, Section 22, Lines 26 and 27: Omit "other than nominal as above provided, in lieu of which," and insert "a part of which"

Page 17, Section 22, Lines 31 - 38: Omit "and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality"

Page 17, Section 22, Lines 40 - 44: Omit "by a conveyance containing a limitation that if said land shall cease to be used for said purposes, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality"

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Page 18, Section 22, Line 65: After this section insert a new section as follows:

"22. Establishment of a central registry. Each municipality and county shall establish and maintain a central registry of all real property in which it has acquired an interest as of the effective date of this act. This registry shall also include a record of all real property which a county or municipality may hereafter acquire, sell or lease. It shall be in such form and contain such information as the Division of Local Finance in the Department of Community Affairs shall prescribe within 180 days after the effective date of this act.

"The central registry referred to herein shall:

- (a) Constitute a public record;
- (b) Be entitled "Municipal Real Property Registry" or "County Real Property Registry" as may be appropriate;
- (c) Be maintained and available for inspection in the office of the municipal or county clerk, as may be appropriate.

Source: New."

Page 18, Section 23, Lines 1 - 37: Omit entire section

Page 19, Section 24, Line 1: Omit "24" and insert "23"

Page 19, Section 25, Line 1: Omit "25" and insert "24"

Page 19, Section 26, Line 1: Omit "26" and insert "25"

Page 19, Section 27, Line 1: Omit "27" and insert "26"

Page 19, Section 28, Line 1: Omit "28" and insert "27"

Page 19, Section 29, Line 1: Omit "29" and insert "28"

Page 20, Section 30, Line 1: Omit "30" and insert "29"

Page 20, Section 31, Line 1: Omit "31" and insert "30"

Respectfully,

[Seal]

/s/ William T. Cahill

GOVERNOR

Attest:

/s/ Jean E. Mulford

Acting Secretary to the Governor

SENATE AMENDMENTS TO
SENATE, No. 629

STATE OF NEW JERSEY

ADOPTED MARCH 11, 1971

Amend page 1, section 2, line 3, after "purchase," insert "exchange, grant,".

Amend page 3, section 4, line 6, after "municipality," insert "except that no such property belonging to the State or any of its agencies, a county or any municipality shall be acquired without its express consent,".

Amend pages 3 and 4, section 5, lines 1 through 40, omit entire section and insert:

"5. Additional powers. (a) Any county, by resolution, or any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property:

"(1) By purchase, gift, devise, lease, exchange, or condemnation;

"(2) Subject to lawful conditions, restrictions or limitations as to its use by the county or municipality, provided the governing body accepts such lawful conditions, restrictions or limitations. When any county or municipality shall have acquired any real property, capital improvement or personal property upon any lawful condition, restriction or limitation, it is hereby authorized to take such steps as may be necessary and proper to the compliance by the county or municipality with such lawful conditions, restrictions or limitations

"(3) Whether the acquisition of any real property is by lease, purchase, or exchange, the governing body may require the construction or repair of any capital improvement as a condition of acquisition.

"(b) Any county or municipality having acquired any real property, capital improvement or personal property or any real estate or interest therein, which acquisition or estate or interest shall have become unsuited or inconvenient for the use for which it was acquired, may, at any time convert a portion or the whole thereof to any other public use unless otherwise provided by law or by the terms of acquisition.

"(c) Whenever the governing body of any county or municipality to

which there has been conveyed any real property, capital improvement, or personal property subject to such lawful conditions, restrictions, or limitations shall by ordinance, in the case of a municipality, and by resolution, in the case of a county, determine that said real property, capital improvement or personal property can no longer be used advantageously for the purposes for which the same were acquired by the county or municipality, said county or municipality may, by ordinance or resolution, authorize the sale or exchange pursuant to section 13 of this act of the interest of the county or municipality in said real property, capital improvement or personal property.

“Whenever the county or municipality, by resolution or ordinance, as the case may be, determines that property, which has been acquired by purchase, gift, devise, lease, exchange or otherwise for a nominal or no consideration for a specific purpose, or subject to lawful conditions, restrictions or limitations as to its use, can no longer be used for the purposes for which acquired, it may offer or reconvey such property to the original grantor or his heirs for a similar or no consideration, prior to other disposition pursuant to section 13 of this act.

Source: R. S. 40:32-2; 40:32-10, amended 1953, c. 119; 40:60-2; 40:60-9; c. 40:60-27.4 (1950, c. 7); R. S. 40:60-37; 40:60-38.”

Amend page 6, section 10, line 3, omit “therein may acquire land and construct” and insert “may contract with each other or with any other county or municipality for the purpose of acquiring land and constructing”.

Amend page 6, section 10, lines 6 and 7, omit “of the county and municipality” and insert “thereof”.

Amend page 6, section 10, lines 9 and 10, omit “between the county and municipality”.

Amend page 6, section 11, lines 1 through 7, omit entire section.

Amend page 6, section 12, line 1, omit “12” and insert “11”.

Amend page 7, section 12, line 19, after “amount” insert “of taxes”.

Amend page 7, section 12, line 20, after “paid” omit “by” and insert “on”.

Amend page 7, section 12, line 30, omit “26” and insert “24”.

Amend page 7, section 12, line 32, omit “asquisition” and insert “acquisition”.

Amend page 7, section 13, line 1, omit “13” and insert “12”.

Amend page 7, section 13, lines 9 through 16, omit entire lines.

Amend page 7, section 13, line 17, omit “(b)”.

Amend page 8, section 13, line 21, omit “14” and insert “13”.

Amend page 8, section 14, line 1, omit “14” and insert “13”.

Page 12, section 14, line 170, after “40:60-37;” omit “c.” and insert “C.”.

Amend page 12, section 14, line 171: after "1961, c. 96, s. 1;" insert "1970, c. 250, s. 1;"

Amend page 12, section 14, line 172, after "1961, c. 96, s. 2", insert "; 1970, c. 250, s. 2".

Amend page 12, section 15, line 1, omit "15", and insert "14".

Amend page 12, section 15, line 16, after "right" omit ","

Amend page 13, section 16, line 1, omit "16" and insert "15".

Amend page 14, section 16, line 45, after "1964, c. 110;" insert "1968, c. 343;"

Amend page 14, section 16, line 45, after "1969, c. 85, s. 1" omit ")"

Amend page 14, section 16, line 50, omit "C. 40:60-51.11 (1964, c. 71); C. 40:60-51.6 (1957, c. 148)" and insert "C. 40:60-51.6 (1957, c. 148); C. 40:60-51.11 (1964, c. 71); C. 40:60-51.12 (1966, c. 238)".

Amend page 14, section 17, line 1, omit "17" and insert "16".

Amend page 15, section 18, line 1, omit "18" and insert "17".

Amend page 15, section 19, line 1, omit "19" and insert "18".

Amend page 15, section 20, line 1, omit "20" and insert "19".

Amend page 16, section 20, line 11, omit "in the county or of which the municipality is a constituent part," and insert "or the board of education of any county vocational school,"

Amend page 16, section 20, line 14, omit "or for public purposes".

Amend page 16, section 20, line 16, after "education", insert "or the board of education of any county vocational school".

Amend page 16, section 20, line 22, after "1961, c. 96, s. 1" omit ")" and insert "; 1970, c. 250, s. 1".

Amend page 16, section 20, line 23, after "s. 2" omit ")" and insert "; 1970, c. 250, s. 2".

Amend page 16, section 21, line 1, omit "21" and insert "20".

Amend page 16, section 22, line 1, omit "22" and insert "21".

Amend page 16, section 22, lines 9 through 12, omit "upon any terms, conditions and limitations, which said governing body shall deem advisable, in addition to those required in the cases hereinafter set forth", insert "and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality".

Amend page 17, section 22, lines 26 and 27, omit "other than nominal as above provided, in lieu of which," and insert "a part of which".

Amend page 17, section 22, lines 31 through 38, omit "and containing

a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality”.

Amend page 17, section 22, lines 40 through 44, omit “by a conveyance containing a limitation that if said land shall cease to be used for said purposes , title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality”.

Amend page 18, section 22, line 65, after this section insert a new section as follows :

“22. Establishment of a central registry. Each municipality and county shall establish and maintain a central registry of all real property in which it has acquired an interest as of the effective date of this act. The registry shall also include a record of all real property which a county or municipality may hereafter acquire, sell or lease. It shall be in such form and contain such information as the Division of Local Finance in the Department of Community Affairs shall prescribe within 180 days after the effective date of this act.

“The central registry referred to herein shall:

- (a) Constitute a public record;
- (b) Be entitled ‘Municipal Real Property Registry’ or ‘County Real Property Registry’ as may be appropriate;
- (c) Be maintained and available for inspection in the office of the municipal or county clerk, as may be appropriate.

Source: New.”.

Amend page 18, section 23, lines 1 through 37, omit entire section.

Amend page 19, section 24, line 1, omit “24” and insert “23”.

Amend page 19, section 25, line 1, omit “25” and insert “24”.

Amend page 19, section 26, line 1, omit “26” and insert “25”.

Amend page 19, section 27, line 1, omit “27” and insert “26”.

Amend page 19, section 28, line 1, omit “28” and insert “27”.

Amend page 19, section 29, line 1, omit “29” and insert “28”.

Amend page 20, section 30, line 1, omit “30” and insert “29”.

Amend page 20, section 31, line 1, omit “31” and insert “30”.

Amend page 20, section 31, line 1, omit “1970”, insert “1971”.

SENATE, No. 283

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

AN ACT concerning counties and municipalities in relation to lands and buildings and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Short title. This act shall be known and be cited as the "Local
2 Lands and Buildings Law."

3 Source: New.

COUNTIES AND MUNICIPALITIES

1 2. "Acquire" to include "acquisition by gift, devise, purchase,
2 lease or condemnation." Whenever any county or municipality is
3 empowered by law to acquire lands or buildings, or both, such
4 county or municipality may acquire the same by gift, devise, pur-
5 chase, lease or condemnation unless the method of acquisition is
6 otherwise provided for and whenever any county or municipality
7 is empowered by law to acquire lands or buildings, or both, or to
8 construct any building for any purpose, it may acquire by lease,
9 including an agreement by the lessor to construct a building, any
10 lands or buildings suitable for such purpose.

11 Source: R. S. 40:32-1; 40:60-1.

1 3. Resolution or ordinance; enactment. "Resolution" or "ordi-
2 nance" when used in connection with the action of a county or
3 municipality means a resolution or ordinance adopted by the
4 governing body of the county or municipality. In any case in which
5 a resolution or ordinance authorizing the expenditure of public
6 moneys is required to be approved by any other board, body or
7 commission of the county or municipality, "resolution" or "ordi-
8 nance" shall mean also adopted or approved by the board, body
9 or commission authorized to take such action on behalf of the
10 county or municipality.

11 Source: New.

1 4. Acquisition or improvement; maintenance or operation of
2 property or facility; provision for payment of cost. Whenever
3 pursuant to law, a county or municipality is authorized to acquire
4 or improve any property, real or personal, the county or municipi-
5 pality may provide for the payment of the cost of such acquisition
6 or improvement, or both, in whole or in part, by the incurring of
7 indebtedness and issuance of bonds in accordance with the "Local
8 Bond Law," (chapter 2 of Title 40A of the New Jersey Statutes)
9 or by having provided an appropriation in the annual budget for
10 the purpose. Whenever pursuant to law a county or municipality
11 is authorized to maintain or operate any property, real or personal,
12 or any facility, the county or municipality may provide for the
13 payment of the cost of such maintenance or operation, or both, by
14 budget appropriation in the manner provided by law, any sums
15 obtained from earnings of such property or facility, if any, or from
16 any other lawful revenue source subject to the provisions of the
17 "Local Budget Law," (chapter 4 of Title 40A of the New Jersey
18 Statutes).

19 Source: New.

1 5. Buildings, acquisition of land for; construction and mainte-
2 nance. Any county or municipality may purchase, or otherwise
3 acquire or construct and may maintain such buildings as may be
4 necessary and suitable for the accommodation of the courts required
5 to be held in the county or municipality, the conduct of public busi-
6 ness, and the use of the county and municipal departments, officers,
7 boards, commissions and agencies in charge of institutions and
8 facilities and any other county or municipal public purposes, and
9 from time to time as necessary, repair, alter, enlarge or rebuild
10 such buildings. Any municipal building may be used as a United
11 States post office.

12 Any county or municipality may acquire the necessary land for
13 the construction thereon of buildings or additions thereto and for
14 suitable surrounding grounds and parking facilities to be used in
15 connection therewith. Any such buildings and facilities may be
16 constructed and maintained upon real property owned or leased
17 by the county or municipality and not needed for other public use.

18 The county or municipality may furnish and equip such buildings
19 and facilities for the proper use thereof and may from time to time
20 as may be necessary, repair and replace the furnishings and equip-
21 ment thereof.

22 Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40:60-6,
23 amended 1954, c. 39.

1 6. Acquisition of lands, and interests therein; and water and
2 water rights; outstanding interests in lands; entry and examina-
3 tion. Every county or municipality may acquire:

4 (a) Any real property or any interest or estate whatsoever
5 therein, including easements, water or water rights, either
6 within or without the county or municipality, or

7 (b) Any outstanding easement, right or interest in any real
8 property of the county or municipality,

9 which the governing body shall determine to be necessary or useful
10 for the proper exercise of any power conferred upon the county
11 or municipality by this or any other law; but this section shall not
12 operate, or be construed, to repeal or supersede any law requiring
13 the consent of any other county or municipality, or of any State
14 authority for the acquisition of any such property. Any county
15 or municipality, proposing to acquire any such property, may enter
16 upon the same at any time, by their engineers, surveyors and
17 agents, to make reasonable examinations, surveys and explorations,
18 being liable to the owner and tenants for any damage.

19 Source: R. S. 40:32-2; 40:60-2.

1 7. Property acquired subject to conditions; departmental control.
2 Any county, by resolution, or any municipality, by ordinance, may
3 provide for the acquisition of any real or personal property, other
4 than by condemnation, subject to conditions or limitations as to
5 its use by the county or municipality or subject to restrictions,
6 imposed by the person from whom the property is acquired, or by
7 any previous owner, provided the governing body accepts such
8 conditions or limitations. When any county or municipality shall
9 have acquired any real or personal property, upon condition that
10 it be used for 2 or more purposes, which would subject the property
11 to the control of separate boards or departments, the governing
12 body of the county or municipality may designate the board or
13 department to control and manage the same, or create a new board
14 or department for such purpose, but subject to all the said condi-
15 tions or limitations.

16 Source: R. S. 40:60-9.

1 8. Acquisition of outstanding interests in lands owned. Any
2 county or municipality having acquired any estate or interest in
3 land subject to an outstanding interest therein of any character
4 may acquire by purchase or condemnation such outstanding
5 interest.

6 In any such condemnation in determining the amount to be paid
7 to the owner of the outstanding interest there may be taken into

8 consideration changes in the use, if any, of the land in question.

9 Source: R. S. 40:60-38.

1 9. Acquisition of interests in lieu of enforcement of claims. When
2 a county or municipality has or shall have acquired a lien or other
3 interests by judgment, mortgage, tax, assessment, sale for taxes
4 or assessments, or otherwise, against any real property, the county
5 or municipality may purchase or otherwise acquire said real prop-
6 erty or any interest therein, or any lien thereon, without the
7 necessity of taking or completing the necessary proceedings in any
8 court of competent jurisdiction to enforce its lien or to obtain
9 satisfaction for its interest in said real property.

10 The consideration to be paid by such acquisition shall not exceed
11 in any one case the approximate amount of the cost of the proceed-
12 ings ordinarily incidental to the enforcement of the lien, or to
13 obtain satisfaction for its interest in said real property, to be
14 determined by resolution of the governing body of said county or
15 municipality, except that in the case of the purchase or release of
16 an inheritance or estate tax lien of the State of New Jersey on real
17 property, or of any right, title, interest or estate of the State in
18 real property, arising out of a transfer inheritance or estate tax
19 lien created or existing under subtitle 5 of Title 54 of the Revised
20 Statutes, the consideration to be paid for the purchase or release
21 of said lien or the assignment or the conveyance of the right, title,
22 interest or estate of the State shall be such amount as may be agreed
23 upon between the governing body of the county or municipality
24 and the Director of the Division of Taxation in the Department
25 of the Treasury, not exceeding the total amount of the transfer
26 inheritance or estate tax assessed, with interest and costs, and the
27 director is hereby authorized when in his judgment such action
28 will better serve the interests of the State and the county or munici-
29 pality (a) to propose a settlement and receive payment in satisfac-
30 tion thereof, in an amount less than the transfer inheritance or
31 estate tax assessed with interest and costs, and (b) to apportion
32 said taxes, interest and costs in those cases where more than one
33 parcel of property is involved.

34 Source: R. S. 40:60-3, amended 1940, c. 140; 1943, c. 39.

1 10. Joint departmental acquisitions and joint use of buildings.
2 Any county or municipality may provide for the construction and
3 maintenance of one or more buildings and structures for the use
4 of any department or for the joint use of 2 or more departments
5 and may acquire suitable land therefor. Where in any municipality
6 there is a board having certain governmental functions as well as

7 a governing body any 2 or more such bodies may join in the pur-
 8 chase or condemnation of land and the construction and mainte-
 9 nance of buildings for common use by such departments, parts
 10 thereof, or officers of the bodies so joining. Any such governing
 11 body may permit any such other body thereof the use of any land
 12 or building, or part thereof, controlled by it upon such terms as
 13 may be mutually agreed upon.

14 Source: R. S. 40:60-8.

1 11. Temporary quarters. Any county or municipality may lease,
 2 temporarily, any suitable building for any county or municipal
 3 offices, officers or departments when needed by reason of the de-
 4 struction, alteration, repairing or inadequacy of any county or
 5 municipal building.

6 Source: R. S. 40:60-7.

1 12. Joint purchase of lands and construction of buildings for
 2 joint use. Any county or municipality therein may acquire land
 3 and construct thereon a building or buildings for their joint use.
 4 Title thereto shall be taken in the manner and their respective uses
 5 provided by agreement between the governing bodies of the county
 6 and municipality. The expense of acquisition of such land and the
 7 construction of a building or buildings and of the maintenance
 8 thereof shall be divided between the county and municipality in
 9 such manner as the governing bodies shall agree upon.

10 Source: R. S. 40:32-5.

MUNICIPALITIES

1 13. Establishing of plazas and open spaces for public travel.
 2 Any municipality, by ordinance, may provide for the acquisition
 3 of lands therein for the purpose of establishing plazas and open
 4 spaces for the convenience of the travelling public and for the
 5 improvement and establishing thereof.

6 Source: R. S. 40:60-5.

1 14. Acquisition of property in other States; necessity for and
 2 manner of acquisition. When a municipality determines that prop-
 3 erty located in a foreign State is necessary to the beneficial use
 4 of property in this State owned by the municipality it may acquire
 5 such property located in a foreign State. Title thereto may be
 6 acquired either in the corporate name of the municipality or in the
 7 name of a trustee for the municipality.

8 Source: R. S. 40:60-4.

COUNTIES AND MUNICIPALITIES

1 15. Sales of lands or buildings; exceptions; procedure. Any
 2 county or municipality may sell any lands or buildings, or interests
 3 therein, not needed for public use, as set forth in the resolution

4 or ordinance authorizing the sale, other than municipal lands used
5 for public highways or places or for park purposes, and, except
6 as otherwise provided by law, all such sales shall be made by one
7 of the following methods:

8 (a) By public sale to the highest bidder after advertisement
9 thereof in a newspaper circulating in the municipality or municipi-
10 palities in which the lands are situated by 2 insertions at least
11 once a week during 2 consecutive weeks, the last publication to be
12 not earlier than 7 days prior to such sale. In the case of public
13 sales, the governing body may by resolution fix a minimum price,
14 with or without the reservation of the right, to reject all bids where
15 the highest bid is not accepted. Notice of such reservation shall be
16 included in the advertisement of the sale and public notice thereof
17 shall be given at the time of sale. Such resolution may provide,
18 without fixing a minimum price, that upon the completion of the
19 bidding, the highest bid may be accepted or all the bids may be
20 rejected. Such acceptance or rejection shall be made not later than
21 at the second regular meeting of the governing body following the
22 sale, and, if the governing body shall not so accept such highest
23 bid, or reject all bids, said bids shall be deemed to have been re-
24 jected. Any such sale may be adjourned at the time advertised for
25 not more than 1 week without readvertising.

26 (b) At private sale when authorized by resolution, in the case
27 of a county, or by ordinance, in the case of a municipality, to be
28 made during a specified period of time, on terms and at a minimum
29 sale price for each property so to be sold, as fixed in such resolu-
30 tion or ordinance. A list of the properties so authorized to be sold,
31 together with the minimum prices respectively, as determined by
32 the governing body, shall be included in the resolution or ordinance
33 and said list shall be posted on the bulletin board or other con-
34 spicuous space in the building in which the governing body usually
35 holds its regular meetings. Additional copies of said list shall be
36 made available for distribution. Offers for any or all properties
37 so listed may be made to the governing body, during the period
38 so specified, at not less than said minimum prices, by any prospec-
39 tive purchaser, real estate broker, or other authorized representa-
40 tive. The commission to be paid to any such broker or authorized
41 representative consummating a sale, other than the purchaser, shall
42 be not more than 5% of the sale price, and may be paid out of the
43 down payment on account of the purchase price.

44 Upon the acceptance of any such offer by the governing body
45 an official or officials shall be designated by resolution of the gov-

46 erning body to consummate the sale and upon ratification of the
47 action of such official or officials by the governing body by resolu-
48 tion at a regular meeting the sale in all respects shall become
49 effective.

50 (c) At private sale, upon any offer being made by any person
51 to the county or municipality to purchase any such property, which
52 offer shall be submitted to and considered by the governing body
53 at a regular or special meeting, and said governing body may then
54 reject said offer, or may approve the same subject to final approval
55 at a later public meeting of said governing body to be held not
56 less than 10 days thereafter. Notice of said later meeting, contain-
57 ing the offer of purchase with a description of the land to be sold,
58 the amount offered and the terms and conditions of the sale, shall
59 be published at least once in a newspaper circulating in the mu-
60 nicipality in which the lands are situated, not less than 2 nor more
61 than 10 days before said later meeting. At said further meeting
62 the said offer to purchase said property shall be considered by the
63 governing body, which may then reject the offer, or may approve
64 the said sale under the terms and conditions offered, or a modifi-
65 cation thereof, if no greater sum or better terms shall then be bid
66 for said property by said person or by any other person the sale
67 shall be made to the highest bidder or the bidder offering the most
68 advantageous terms as determined by said governing body. The
69 governing body may then authorize the proper officers to consum-
70 mate the sale.

71 All sales, either public or private, may be made for cash or upon
72 credit. When made upon credit, the county or municipality may
73 accept a purchase money mortgage, upon terms and conditions
74 which shall be fixed by the resolution of the governing body; pro-
75 vided, however, that any such mortgage shall be fully payable
76 within 5 years from the date of the sale and shall bear interest at
77 a rate not less than 5% per annum. The governing body may also
78 impose restrictions on the use to be made of such land and any
79 conditions of sale as to buildings or structures, or as to the type,
80 size, or other specifications of buildings or structures to be con-
81 structed thereon, or as to demolition, repair, or reconstruction of
82 buildings or structures, and the time within which such conditions
83 shall be operative, or any other conditions of sale in like manner
84 and to the same extent as by any other vendor; provided, however,
85 that any conditions for the payment of the consideration upon
86 credit and the restrictions on the use to be made of the land, and
87 the conditions of sale shall be set forth at length in any advertise-
88 ment of sale hereinabove required. The governing body may by

89 resolution fix the time for closing of title and payment of the con-
90 sideration.

91 In all sales made pursuant to paragraphs (a) or (c) of this sec-
92 tion, the governing body of any county or municipality may provide
93 for the payment of a commission to any real estate broker or other
94 authorized representative other than the purchaser actually con-
95 summing such sale, but said commissions shall not exceed 5% of
96 the sale price.

97 Source: R. S. 40:32-8, amended 1950, c. 50; 40:60-26, amended
98 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160; 1946, c. 106; 1947,
99 c. 417; 1948, c. 245; 1957, c. 86; 40:60-27.

1 16. Sale of contingent interest in land. Where any county or
2 municipality has a contingent interest or estate limited to a par-
3 ticular public use in land, the governing body may sell or otherwise
4 dispose of such contingent interest or estate, if they in their discre-
5 tion shall determine, the use thereof for the purpose limited has or
6 shall become impracticable, or the public welfare be best promoted
7 by the sale or other disposition.

8 Source: R. S. 40:60-30.

1 17. Sale of certain lands authorized to be sold by county or
2 municipality; disposition of proceeds. When any county or munici-
3 pality has acquired any lands or interest therein by gift, grant or
4 devise, and by the terms of said gift, grant or devise, the governing
5 body may sell the same, in such parcels as the governing body may
6 determine at private sale for cash or upon credit, and may impose
7 conditions and restrictions on the use to be made of such lands or
8 interest, and may accept a purchase money mortgage from the
9 purchasers upon terms and conditions which may be fixed by such
10 governing body in like manner and to the same extent as any other
11 vendor of real estate might do without compliance with any other
12 law governing disposal of lands by counties or municipalities.

13 The proceeds from the sale of any such lands or interest if
14 required by the terms of such gift, grant or devise shall be deposited
15 in a trust account and shall be invested by the governing body and
16 the income therefrom shall be dedicated to the care and maintenance
17 of the balance of such lands or interest acquired by the same gift,
18 grant or devise.

19 Source: C. 40:32-9.1 (1942, c. 262); C. 40:32-9.2 (1942, c. 262).

1 18. Conveyances or other transfers to perfect title or interest
2 previously conveyed. When any county or municipality has or
3 shall have conveyed its right, title and interest in any real estate not
4 needed for public use, and it was assumed and intended that there

5 should be conveyed a good and sufficient title in fee simple to said
6 real estate, free of all encumbrances and the full consideration has
7 been paid therefor, and it shall thereafter appear that the title
8 conveyed was insufficient or that said county or municipality at
9 the time of said conveyance was not the owner of some estate or
10 interest in said real estate or of some encumbrances thereon and
11 the county or municipality shall thereafter acquire a good and
12 sufficient title in fee simple, free of all encumbrances to said real
13 estate or shall acquire such outstanding estate or interest therein
14 or outstanding encumbrance thereon, said county or municipality
15 may thereupon by resolution of the governing body, without the
16 payment of any additional consideration and without complying
17 with any other law governing disposal of lands by a county or
18 municipality, convey or otherwise transfer to the purchaser, his
19 heirs or assigns, such after acquired title, or estate or interest in,
20 or encumbrance upon, such real estate to perfect the title or interest
21 previously conveyed.

22 Source: C. 40:60-27.3 (1949, c. 153).

1 19. Release of easements. The governing body of any county,
2 by resolution, or any municipality, by ordinance, may release the
3 public rights, in the nature of easements, in, on, over or under any
4 lands within the county or the municipality, as the case may be,
5 upon such terms as shall be agreed upon with the owner of such
6 lands, if the use of such rights is no longer desirable, necessary or
7 required for public purposes. After the adoption of the resolution
8 or ordinance and compliance by the owner of said lands with the
9 terms thereof, said lands shall be free, clear and entirely dis-
10 charged of and from such rights of the public and of the county or
11 municipality, as the case may be, but no such release shall affect
12 the right of lawful occupancy or use of any such lands by any
13 municipal or private public utility to occupy or use any such lands
14 lawfully occupied or used by it.

15 Source: R. S. 40:60-36; C. 40:60-38.1 (1964, c. 109).

1 20. Exchanges of certain lands; exceptions. The governing body
2 of any county, by resolution, or any municipality, by ordinance,
3 may exchange any lands or any rights or interests therein owned
4 by the county or municipality, except lands used for public high-
5 ways or places, for other lands desired for public use. The county
6 or municipality may exact and receive a cash consideration in addi-
7 tion to such other lands when such exchange shall be authorized,
8 and such governing body determines that the lands to be conveyed
9 to such county or municipality or such lands and the cash considera-

10 tion to be paid are at least of equal value to, and their acquisition
11 is more advantageous to, the county or municipality for public use,
12 than the lands to be conveyed by the county or municipality, and
13 that it is in the public interest that such exchange of lands be
14 consummated. Any prior dedication or determination for use for
15 park purposes of such land or any part thereof, shall not preclude
16 an exchange thereof under this section but where the lands to be
17 exchanged by a municipality are lands that have been dedicated
18 and determined for use for park purposes, the lands received in
19 exchange therefor by the municipality shall be used for the same
20 purposes.

21 Source: C. 40:60-51.1 (1942, c. 199 amended 1946, c. 157; 1958,
22 c. 160); C. 40:60-51.3 (1944, c. 77); C. 40:60-51.4 (1944, c. 77).

1 21. Application of proceeds of disposition of lands. When any
2 county or municipality shall dispose of lands not acquired at a tax
3 sale, having issued bonds to finance the purchase thereof, and at
4 the time of such disposal any of said bonds are outstanding, the
5 whole proceeds of such disposal or, so much thereof as shall be
6 necessary shall be used for the liquidation of such bonds. Payment
7 of such bonds may be made at or prior to maturity on cancellation.
8 Source: R. S. 40:60-31.

1 22. Sales or transfers to United States, State or any political sub-
2 division thereof or county park commission. Any county or munici-
3 pality may transfer at private sale or transfer, any real estate or
4 any right or interest therein not needed for public use by the county
5 or municipality to the United States Government, the State of New
6 Jersey or any political subdivision thereof, or to the county park
7 commission in the county, without compliance with any other law
8 governing disposals of lands by counties or municipalities. Any
9 such transfer may be made by private sale or other transfer.
10 Source: R. S. 40:32-9; 40:60-29; 40:60-37.

1 23. Conveyance of lands for public educational purposes. When
2 the governing body of a county or municipality shall determine by
3 resolution that all or any part of a tract of land improved or un-
4 improved is no longer needed for public purposes, the governing
5 body may authorize the conveyance of such lands or any portion
6 thereof to the State when so requested or approved by resolution
7 of the State Board of Education or State Board of Higher Educa-
8 tion or to any board of education in the county or municipality or
9 to a regional board of education of a regional school district or to
10 a consolidated board of education of a consolidated school district
11 in the county or of which the municipality is a constituent part,

12 requesting or approving such conveyance by resolution, for a
 13 nominal consideration, to be used by the State for educational pur-
 14 poses or for public purposes, connected with the district board of
 15 education or the regional board of education or the consolidated
 16 board of education, and may cause the same to be duly conveyed by
 17 its proper officers accordingly. A prior dedication or use for park
 18 purposes of such land or any part thereof shall not be deemed to
 19 preclude a transfer and conveyance thereof under the provisions
 20 of this section.

21 Source: R. S. 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3,
 22 s. 1; 1961, c. 96, s. 1); 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96,
 23 s. 2).

1 24. Reconveyance of land limited to educational purposes.
 2 Whenever the governing body of any county or municipality, to
 3 which there has been conveyed land to be used for educational pur-
 4 poses without the payment of any consideration therefor, shall, by
 5 resolution,

6 (a) Determine that said land cannot be used advantageously
 7 for the purposes for which the same were conveyed to the
 8 county or municipality,

9 (b) Authorize the conveyance of the interest of the county
 10 or municipality in said land to the person by whom the same
 11 were conveyed to the county or municipality, upon payment of
 12 a consideration equal to the fair market value of said interest
 13 therein, and

14 (c) Fix such consideration,
 15 the said lands shall be reconveyed accordingly upon payment of
 16 said consideration.

17 Source: C. 40:60-27.4 (1950, c. 7).

1 25. Private sales to certain organizations upon nominal consid-
 2 eration. When the governing body of any county or municipality
 3 shall determine that all or any part of a tract of land, with or with-
 4 out improvements, owned by the county or municipality, is not then
 5 needed for county or municipal purposes, as the case may be, said
 6 governing body, by resolution, may authorize a private sale and
 7 conveyance of the same, or any part thereof without compliance
 8 with any other law governing disposal of lands by counties and
 9 municipalities for a consideration, which may be nominal, upon any
 10 terms, conditions and limitations, which said governing body shall
 11 deem advisable, in addition to those required in the cases herein-
 12 after set forth, to

13 (a) A duly incorporated volunteer fire company or first aid and
 14 emergency or volunteer ambulance or rescue squad association of

15 a municipality within the county, in the case of a county, or of the
16 municipality, in the case of a municipality, for the construction
17 thereon of a firehouse or fire school or a first aid and emergency
18 or volunteer ambulance or rescue squad building or for the use of
19 any existing building for any or all of said purposes and any such
20 land or building sold to any duly incorporated volunteer fire com-
21 pany may be leased by such fire company to any volunteer firemen's
22 association for the use thereof for fire school purposes for the
23 benefit of the members of such association, or

24 (b) Any nationally chartered organization or association of vet-
25 erans of any war, in which the United States has or shall have been
26 engaged, by a conveyance for a consideration, other than nominal
27 as above provided, in lieu of which, may be an agreement by the
28 organization or association to render service or provide facilities
29 for the general public of the county or municipality, of a kind which
30 the county or municipality may furnish to its citizens and to the
31 general public and containing a limitation that such lands or build-
32 ings shall be used only for the purposes of such organization or
33 association, and to render such services or to provide such facilities
34 as may be agreed upon, and not for commercial business trade or
35 manufacture, and that if said lands or buildings are not used in
36 accordance with said limitation, title thereto shall revert to the
37 county or municipality without any entry or re-entry made thereon
38 on behalf of such county or municipality, or

39 (c) Any duly incorporated nonprofit hospital association for the
40 construction or maintenance thereon of a general hospital by a
41 conveyance containing a limitation that if said land shall cease to
42 be used for said purposes, title thereto shall revert to the county or
43 municipality without any entry or re-entry made thereon on behalf
44 of such county or municipality, or

45 (d) Any paraplegic veteran, that is to say, any officer, soldier,
46 sailor, marine, nurse or other person, regularly enlisted or inducted,
47 who was or shall have been in the active military or naval forces
48 of the United States in any war in which the United States was
49 engaged, and who, at the time he was commissioned, enlisted, in-
50 ducted, appointed or mustered into such military or naval service,
51 was a resident of and who continues to reside in this State, who is
52 suffering from paraplegia and has permanent paralysis of both
53 legs or the lower parts of the body resulting from injuries sus-
54 tained through enemy action or accident while in such active mili-
55 tary or naval service, for the construction of a home to domicile
56 him, or to any organization or association of veterans, for the
57 construction of a home or homes to domicile paraplegic veterans,

58 with power to convey said lands and premises to the paraplegic
59 veteran or veterans on whose behalf said organization or associa-
60 tion shall acquire title to said lands.

61 Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87,
62 amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949,
63 c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61,
64 s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75,
65 s. 2); C. 40:60-51.6 (1957, c. 148).

1 26. Display of flags on county and municipal buildings. The
2 governing bodies of the respective counties and municipalities shall
3 procure United States flags, flagstuffs and the appliances therefor
4 for their particular county courthouse and the municipal buildings
5 and shall display the flags upon or near said county courthouses
6 and buildings during business hours and at such other times as the
7 governing bodies may deem proper.

8 Source: R. S. 40:9-4.

1 27. Rental of lands and bulidings or portions thereof not needed
2 for public use; portions of buildings; rental. Every county or
3 municipality may lease for fixed and upon prescribed terms and
4 for private purposes any of the land or buildings or any part
5 thereof not presently needed for public use to the person who will
6 pay the highest rent therefor. The use by the lessee shall be of such
7 character as not to be detrimental to the building or the use of the
8 building or the use of the unleased part of the building.

9 Source: R. S. 40:32-12; 40:60-42.

1 28. Use of public building by counties and municipalities. Each
2 county may authorize any municipality in the county to use, for
3 municipal purposes, a portion of any county building and any
4 municipality may permit the county in which it is located to use for
5 county purposes a portion of any municipal building, not needed
6 for the purposes of the county or the municipality, as the case may
7 be, upon such terms as shall be agreed upon by the governing bodies
8 of the county and the municipality.

9 Source: R. S. 40:32-11.

1 29. Devotion of lands to other purposes. Any county or munici-
2 pality having acquired land or any estate or interest therein, which
3 land or estate or interest shall have become unsuited or inconvenient
4 for the use for which it was acquired, may, at any time convert a
5 portion or the whole thereof to any other public use unless other-
6 wise provided by law.

7 Source: R. S. 40:32-10, amended 1953, c. 119; 40:60-37; 40:60-38.

1 30. No liability for injuries to persons from use of grounds,
2 buildings or structures. No county or municipality shall be liable

3 for injury to the person from the use of any public grounds, build-
4 ings or structures, any law to the contrary notwithstanding.

5 Source: R. S. 40:9-2.

1 31. Lease of above surface and subsurface areas of lands. Any
2 county or municipality owning lands therein which has an area
3 above or below the surface of the ground not required for the use of
4 the county or municipality, may lease such area by private negotia-
5 tion for a term not exceeding 99 years upon such terms and condi-
6 tions as shall be consistent with the use of the part of such lands
7 retained by the county or municipality or by the State if parts of the
8 lands were conveyed to the county or municipality by the State. Any
9 such lease shall be provided for by resolution of the governing body.

10 Source: R. S. 40:176-1.

1 32. Terms, conditions, plans and specifications. In any lease
2 under the preceding section, the governing body according to their
3 discretion, may fix the annual rental, the terms and conditions,
4 including limitations of the use of the building. Full and detailed
5 plans and specifications of a building, if any, to be erected shall be
6 shown.

7 Source: R. S. 40:176-2.

1 33. County or municipal buildings, equipment and services made
2 available to certain organizations benefiting mentally retarded or
3 mentally ill persons. Any county or municipality may authorize
4 the use of space, rooms or offices in any building owned or controlled
5 by such county or municipality, with or without the payment of
6 rent, by any county mental health association or any nonprofit
7 organization whose services are nonsectarian, incorporated under
8 the laws of this State, for the purpose of conducting a day-care
9 center or school for mentally-retarded or mentally-ill persons or
10 by any private or nonprofit organization in the county, incorporated
11 under the laws of this State, whose services are nonsectarian, pro-
12 viding aid or assistance to mentally-retarded or mentally-ill per-
13 sons. Any such authorization may be made in the form of a lease,
14 under such terms, conditions and regulations as the governing body
15 shall determine. Any such authorization or lease may include the
16 right to use furniture and equipment of the county or municipality
17 and such services and utilities as shall be available.

18 Source: C. 40:32-20 (1958, c. 87 amended 1960, c. 185, s. 2; 1963,
19 c. 188, s. 2).

1 34. Leases to certain organizations upon nominal or other rentals.
2 Any county or municipality may lease for such periods of time and
3 at nominal or other rentals, and upon such terms, conditions and
4 limitations, if any, as the governing body, by resolution, may

5 determine, any real estate or space in any building owned or con-
6 trolled by such county or municipality which is not required for
7 county or municipal purposes to

8 (a) Any incorporated historical society in the county or
9 municipality;

10 (b) Any organization of veterans of any war in which the
11 United States has or shall have been engaged;

12 (c) Any association organized for the education and treat-
13 ment of cerebral palsy patients in the county or municipality,
14 including the education and treatment of county or municipal
15 indigent patients, upon a nonprofit or charitable basis, and may
16 authorize the construction and maintenance of a treatment
17 center and office building;

18 (d) Any nonprofit organization or association having for
19 its purposes the promotion of the health, safety, morals and
20 general welfare of the community;

21-32 (e) Any duly incorporated fire company or first-aid and
33 emergency or volunteer ambulance or rescue squad association
34 or any duly incorporated association of exempt firemen of any
35 municipality or fire district, within the county; or

36 (f) Any nonprofit organization organized for the purpose
37 of maintaining a shelter for persons aged 65, while used for
38 the purposes of such organizations and not for commercial
39 business, trade or manufacturing.

40 Source: R. S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34); R. S.
41 40:60-43, amended 1962, c. 132; 1964, c. 110); R. S. 40:60-44;
42 40:60-45; C. 40:60-45.1 (1940, c. 145); C. 40:60-45.2 (1947, c. 316);
43 C. 40:60-45.3 (1950, c. 184 amended 1951, c. 132, s. 2; 1955, c. 130;
44 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1); C. 40:60-45.4 (1954,
45 c. 184 amended 1966, c. 35); C. 40:60-45.5 (1965, c. 228); C.
46 40:60-51.11 (1964, c. 71).

COUNTIES, COUNTY PARK COMMISSIONS AND MUNICIPALITIES

1 35. Use of lands for training grounds and improvement thereof
2 for firemen. Any county, county park commission or municipality
3 by resolution may make available any lands owned or controlled
4 by said county, county park commission or municipality, which are
5 not then needed for other public purposes, for use as training
6 grounds for a paid, part-paid or volunteer fire company of the
7 county, county park commission, municipality or fire district in
8 such county or any adjoining county. The governing body from
9 time to time may raise, appropriate and expend such sums of money
10 as they may deem expedient for improving the said lands for
11 training purposes, including installation of water mains and

12 hydrants, and the construction of drill towers and training equip-
 13 ment, for use in the instruction of fire companies in the latest
 14 methods, procedures and techniques of fire fighting, and in testing
 15 apparatus and equipment.

16 Source: C. 40:32-13.1 (1954, c. 18); C. 40:32-13.2 (1954, c. 18).

COUNTIES

1 36. Lease of space in county buildings; legal aid association or
 2 societies. Any county may lease for a nominal or other rental to
 3 any legal aid association or society, incorporated under the laws
 4 of this State, the use of certain designated space in any building
 5 owned or controlled by the county, together with the right to use
 6 furniture and equipment and such services as shall be made avail-
 7 able as an incident to the use of such space.

8 Source: C. 40:23-6.21 (1950, c. 194).

CITIES, FIRST AND SECOND CLASS

1 37. Lease of lands or buildings; terms. Every city of the first
 2 or second class may lease to any person land or building of the
 3 city not needed for public use for a fixed term not exceeding 50
 4 years without compliance with any other law governing disposal
 5 of lands by municipalities.

6 Source: R. S. 40:176-11; 40:176-12.

1 38. Statutes repealed. The following sections, chapters and acts,
 2 together with all amendments and supplements thereto are hereby
 3 repealed:

4 Sections 40:9-1; 40:9-2; 40:9-4; 40:32-1; 40:32-2; 40:32-3;
 5 40:32-5; 40:32-7; 40:32-8; 40:32-9; 40:32-10; 40:32-11; 40:32-12;
 6 40:32-13; 40:32-20; 40:60-1; 40:60-2; 40:60-3; 40:60-4; 40:60-5;
 7 40:60-6; 40:60-7; 40:60-8; 40:60-9; 40:60-26; 40:60-27; 40:60-29;
 8 40:60-30; 40:60-31; 40:60-36; 40:60-37; 40:60-38; 40:60-39;
 9 40:60-40; 40:60-42; 40:60-43; 40:60-44; 40:60-45; 40:176-1;
 10 40:176-2; 40:176-11; 40:176-12 of the Revised Statutes;

11 Laws of 1940, c. 145 (C. 40:60-45.1);

12 Laws of 1942, c. 199 (C. 40:60-51.1);

13 Laws of 1942, c. 262 (C. 40:32-9.1—C. 40:32-9.2);

14 Laws of 1944, c. 77 (C. 40:60-51.3—C. 40:60-51.4);

15 Laws of 1947, c. 87 (C. 40:60-40.1);

16 Laws of 1947, c. 316 (C. 40:60-45.2);

17 Laws of 1948, c. 246 (C. 40:60-40.2—C. 40:60-40.3);

18 Laws of 1949, c. 61 (C. 40:60-40.4);

19 Laws of 1949, c. 153 (C. 40:60-27.3);

20 Laws of 1950, c. 7 (C. 40:60-27.4);

21 Laws of 1950, c. 184 (C. 40:60-45.3);

22 Laws of 1950, c. 194 (C. 40:23-6.21);

- 23 Laws of 1954, c. 18 (C. 40:32-13.1—C. 40:32-13.2);
24 Laws of 1954, c. 143 (C. 40:60-40.5);
25 Laws of 1954, c. 184 (C. 40:60-45.4);
26 Laws of 1957, c. 148 (C. 40:60-51.6);
27 Laws of 1960, c. 34 (C. 40:32-13.3);
28 Laws of 1964, c. 71 (C. 40:60-51.11);
29 Laws of 1964, c. 109 (C. 40:60-38.1);
30 Laws of 1965, c. 228 (C. 40:60-45.5).
1 39. Effective date. This act shall take effect January 1, 1970.

SENATE COMMITTEE AMENDMENT TO
SENATE, No. 283

—•—
STATE OF NEW JERSEY
—•—

ADOPTED JANUARY 27, 1969

Amend page 16, section 37, line 3, omit "50", insert "99".

[OFFICIAL COPY REPRINT]

SENATE, No. 283

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

AN ACT concerning counties and municipalities in relation to lands and buildings and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Short title. This act shall be known and be cited as the "Local
2 Lands and Buildings Law."

3 Source: New.

COUNTIES AND MUNICIPALITIES

1 2. "Acquire" to include "acquisition by gift, devise, purchase,
2 lease or condemnation." Whenever any county or municipality is
3 empowered by law to acquire lands or buildings, or both, such
4 county or municipality may acquire the same by gift, devise, pur-
5 chase, lease or condemnation unless the method of acquisition is
6 otherwise provided for and whenever any county or municipality
7 is empowered by law to acquire lands or buildings, or both, or to
8 construct any building for any purpose, it may acquire by lease,
9 including an agreement by the lessor to construct a building, any
10 lands or buildings suitable for such purpose.

11 Source: R. S. 40:32-1; 40:60-1.

1 3. Resolution or ordinance; enactment. "Resolution" or "ordi-
2 nance" when used in connection with the action of a county or
3 municipality means a resolution or ordinance adopted by the
4 governing body of the county or municipality. In any case in which
5 a resolution or ordinance authorizing the expenditure of public
6 moneys is required to be approved by any other board, body or
7 commission of the county or municipality, "resolution" or "ordi-
8 nance" shall mean also adopted or approved by the board, body
9 or commission authorized to take such action on behalf of the
10 county or municipality.

11 Source: New.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 4. Acquisition or improvement; maintenance or operation of
2 property or facility; provision for payment of cost. Whenever
3 pursuant to law, a county or municipality is authorized to acquire
4 or improve any property, real or personal, the county or municipi-
5 pality may provide for the payment of the cost of such acquisition
6 or improvement, or both, in whole or in part, by the incurring of
7 indebtedness and issuance of bonds in accordance with the "Local
8 Bond Law," (chapter 2 of Title 40A of the New Jersey Statutes)
9 or by having provided an appropriation in the annual budget for
10 the purpose. Whenever pursuant to law a county or municipality
11 is authorized to maintain or operate any property, real or personal,
12 or any facility, the county or municipality may provide for the
13 payment of the cost of such maintenance or operation, or both, by
14 budget appropriation in the manner provided by law, any sums
15 obtained from earnings of such property or facility, if any, or from
16 any other lawful revenue source subject to the provisions of the
17 "Local Budget Law," (chapter 4 of Title 40A of the New Jersey
18 Statutes).

19 Source: New.

1 5. Buildings, acquisition of land for; construction and mainte-
2 nance. Any county or municipality may purchase, or otherwise
3 acquire or construct and may maintain such buildings as may be
4 necessary and suitable for the accommodation of the courts required
5 to be held in the county or municipality, the conduct of public busi-
6 ness, and the use of the county and municipal departments, officers,
7 boards, commissions and agencies in charge of institutions and
8 facilities and any other county or municipal public purposes, and
9 from time to time as necessary, repair, alter, enlarge or rebuild
10 such buildings. Any municipal building may be used as a United
11 States post office.

12 Any county or municipality may acquire the necessary land for
13 the construction thereon of buildings or additions thereto and for
14 suitable surrounding grounds and parking facilities to be used in
15 connection therewith. Any such buildings and facilities may be
16 constructed and maintained upon real property owned or leased
17 by the county or municipality and not needed for other public use.

18 The county or municipality may furnish and equip such buildings
19 and facilities for the proper use thereof and may from time to time
20 as may be necessary, repair and replace the furnishings and equip-
21 ment thereof.

22 Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40:60-6,
23 amended 1954, c. 39.

1 6. Acquisition of lands, and interests therein; and water and
2 water rights; outstanding interests in lands; entry and examina-
3 tion. Every county or municipality may acquire:

4 (a) Any real property or any interest or estate whatsoever
5 therein, including easements, water or water rights, either
6 within or without the county or municipality, or

7 (b) Any outstanding easement, right or interest in any real
8 property of the county or municipality,

9 which the governing body shall determine to be necessary or useful
10 for the proper exercise of any power conferred upon the county
11 or municipality by this or any other law; but this section shall not
12 operate, or be construed, to repeal or supersede any law requiring
13 the consent of any other county or municipality, or of any State
14 authority for the acquisition of any such property. Any county
15 or municipality, proposing to acquire any such property, may enter
16 upon the same at any time, by their engineers, surveyors and
17 agents, to make reasonable examinations, surveys and explorations,
18 being liable to the owner and tenants for any damage.

19 Source: R. S. 40:32-2; 40:60-2.

1 7. Property acquired subject to conditions; departmental control.
2 Any county, by resolution, or any municipality, by ordinance, may
3 provide for the acquisition of any real or personal property, other
4 than by condemnation, subject to conditions or limitations as to
5 its use by the county or municipality or subject to restrictions,
6 imposed by the person from whom the property is acquired, or by
7 any previous owner, provided the governing body accepts such
8 conditions or limitations. When any county or municipality shall
9 have acquired any real or personal property, upon condition that
10 it be used for 2 or more purposes, which would subject the property
11 to the control of separate boards or departments, the governing
12 body of the county or municipality may designate the board or
13 department to control and manage the same, or create a new board
14 or department for such purpose, but subject to all the said condi-
15 tions or limitations.

16 Source: R. S. 40:60-9.

1 8. Acquisition of outstanding interests in lands owned. Any
2 county or municipality having acquired any estate or interest in
3 land subject to an outstanding interest therein of any character
4 may acquire by purchase or condemnation such outstanding
5 interest.

6 In any such condemnation in determining the amount to be paid
7 to the owner of the outstanding interest there may be taken into

8 consideration changes in the use, if any, of the land in question.

9 Source: R. S. 40:60-38.

1 9. Acquisition of interests in lieu of enforcement of claims. When
2 a county or municipality has or shall have acquired a lien or other
3 interests by judgment, mortgage, tax, assessment, sale for taxes
4 or assessments, or otherwise, against any real property, the county
5 or municipality may purchase or otherwise acquire said real prop-
6 erty or any interest therein, or any lien thereon, without the
7 necessity of taking or completing the necessary proceedings in any
8 court of competent jurisdiction to enforce its lien or to obtain
9 satisfaction for its interest in said real property.

10 The consideration to be paid by such acquisition shall not exceed
11 in any one case the approximate amount of the cost of the proceed-
12 ings ordinarily incidental to the enforcement of the lien, or to
13 obtain satisfaction for its interest in said real property, to be
14 determined by resolution of the governing body of said county or
15 municipality, except that in the case of the purchase or release of
16 an inheritance or estate tax lien of the State of New Jersey on real
17 property, or of any right, title, interest or estate of the State in
18 real property, arising out of a transfer inheritance or estate tax
19 lien created or existing under subtitle 5 of Title 54 of the Revised
20 Statutes, the consideration to be paid for the purchase or release
21 of said lien or the assignment or the conveyance of the right, title,
22 interest or estate of the State shall be such amount as may be agreed
23 upon between the governing body of the county or municipality
24 and the Director of the Division of Taxation in the Department
25 of the Treasury, not exceeding the total amount of the transfer
26 inheritance or estate tax assessed, with interest and costs, and the
27 director is hereby authorized when in his judgment such action
28 will better serve the interests of the State and the county or munic-
29 ipality (a) to propose a settlement and receive payment in satisfac-
30 tion thereof, in an amount less than the transfer inheritance or
31 estate tax assessed with interest and costs, and (b) to apportion
32 said taxes, interest and costs in those cases where more than one
33 parcel of property is involved.

34 Source: R. S. 40:60-3, amended 1940, c. 140; 1943, c. 39.

1 10. Joint departmental acquisitions and joint use of buildings.
2 Any county or municipality may provide for the construction and
3 maintenance of one or more buildings and structures for the use
4 of any department or for the joint use of 2 or more departments
5 and may acquire suitable land therefor. Where in any municipality
6 there is a board having certain governmental functions as well as

7 a governing body any 2 or more such bodies may join in the pur-
 8 chase or condemnation of land and the construction and mainte-
 9 nance of buildings for common use by such departments, parts
 10 thereof, or officers of the bodies so joining. Any such governing
 11 body may permit any such other body thereof the use of any land
 12 or building, or part thereof, controlled by it upon such terms as
 13 may be mutually agreed upon.

14 Source: R. S. 40:60-8.

1 11. Temporary quarters. Any county or municipality may lease,
 2 temporarily, any suitable building for any county or municipal
 3 offices, officers or departments when needed by reason of the de-
 4 struction, alteration, repairing or inadequacy of any county or
 5 municipal building.

6 Source: R. S. 40:60-7.

1 12. Joint purchase of lands and construction of buildings for
 2 joint use. Any county or municipality therein may acquire land
 3 and construct thereon a building or buildings for their joint use.
 4 Title thereto shall be taken in the manner and their respective uses
 5 provided by agreement between the governing bodies of the county
 6 and municipality. The expense of acquisition of such land and the
 7 construction of a building or buildings and of the maintenance
 8 thereof shall be divided between the county and municipality in
 9 such manner as the governing bodies shall agree upon.

10 Source: R. S. 40:32-5.

MUNICIPALITIES

1 13. Establishing of plazas and open spaces for public travel.
 2 Any municipality, by ordinance, may provide for the acquisition
 3 of lands therein for the purpose of establishing plazas and open
 4 spaces for the convenience of the travelling public and for the
 5 improvement and establishing thereof.

6 Source: R. S. 40:60-5.

1 14. Acquisition of property in other States; necessity for and
 2 manner of acquisition. When a municipality determines that prop-
 3 erty located in a foreign State is necessary to the beneficial use
 4 of property in this State owned by the municipality it may acquire
 5 such property located in a foreign State. Title thereto may be
 6 acquired either in the corporate name of the municipality or in the
 7 name of a trustee for the municipality.

8 Source: R. S. 40:60-4.

COUNTIES AND MUNICIPALITIES

1 15. Sales of lands or buildings; exceptions; procedure. Any
 2 county or municipality may sell any lands or buildings, or interests
 3 therein, not needed for public use, as set forth in the resolution

4 or ordinance authorizing the sale, other than municipal lands used
5 for public highways or places or for park purposes, and, except
6 as otherwise provided by law, all such sales shall be made by one
7 of the following methods:

8 (a) By public sale to the highest bidder after advertisement
9 thereof in a newspaper circulating in the municipality or municipi-
10 palities in which the lands are situated by 2 insertions at least
11 once a week during 2 consecutive weeks, the last publication to be
12 not earlier than 7 days prior to such sale. In the case of public
13 sales, the governing body may by resolution fix a minimum price,
14 with or without the reservation of the right, to reject all bids where
15 the highest bid is not accepted. Notice of such reservation shall be
16 included in the advertisement of the sale and public notice thereof
17 shall be given at the time of sale. Such resolution may provide,
18 without fixing a minimum price, that upon the completion of the
19 bidding, the highest bid may be accepted or all the bids may be
20 rejected. Such acceptance or rejection shall be made not later than
21 at the second regular meeting of the governing body following the
22 sale, and, if the governing body shall not so accept such highest
23 bid, or reject all bids, said bids shall be deemed to have been re-
24 jected. Any such sale may be adjourned at the time advertised for
25 not more than 1 week without readvertising.

26 (b) At private sale when authorized by resolution, in the case
27 of a county, or by ordinance, in the case of a municipality, to be
28 made during a specified period of time, on terms and at a minimum
29 sale price for each property so to be sold, as fixed in such resolu-
30 tion or ordinance. A list of the properties so authorized to be sold,
31 together with the minimum prices respectively, as determined by
32 the governing body, shall be included in the resolution or ordinance
33 and said list shall be posted on the bulletin board or other con-
34 spicuous space in the building in which the governing body usually
35 holds its regular meetings. Additional copies of said list shall be
36 made available for distribution. Offers for any or all properties
37 so listed may be made to the governing body, during the period
38 so specified, at not less than said minimum prices, by any prospec-
39 tive purchaser, real estate broker, or other authorized representa-
40 tive. The commission to be paid to any such broker or authorized
41 representative consummating a sale, other than the purchaser, shall
42 be not more than 5% of the sale price, and may be paid out of the
43 down payment on account of the purchase price.

44 Upon the acceptance of any such offer by the governing body
45 an official or officials shall be designated by resolution of the gov-

46 erning body to consummate the sale and upon ratification of the
47 action of such official or officials by the governing body by resolu-
48 tion at a regular meeting the sale in all respects shall become
49 effective.

50 (c) At private sale, upon any offer being made by any person
51 to the county or municipality to purchase any such property, which
52 offer shall be submitted to and considered by the governing body
53 at a regular or special meeting, and said governing body may then
54 reject said offer, or may approve the same subject to final approval
55 at a later public meeting of said governing body to be held not
56 less than 10 days thereafter. Notice of said later meeting, contain-
57 ing the offer of purchase with a description of the land to be sold,
58 the amount offered and the terms and conditions of the sale, shall
59 be published at least once in a newspaper circulating in the mu-
60 nicipality in which the lands are situated, not less than 2 nor more
61 than 10 days before said later meeting. At said further meeting
62 the said offer to purchase said property shall be considered by the
63 governing body, which may then reject the offer, or may approve
64 the said sale under the terms and conditions offered, or a modifi-
65 cation thereof, if no greater sum or better terms shall then be bid
66 for said property by said person or by any other person the sale
67 shall be made to the highest bidder or the bidder offering the most
68 advantageous terms as determined by said governing body. The
69 governing body may then authorize the proper officers to consum-
70 mate the sale.

71 All sales, either public or private, may be made for cash or upon
72 credit. When made upon credit, the county or municipality may
73 accept a purchase money mortgage, upon terms and conditions
74 which shall be fixed by the resolution of the governing body; pro-
75 vided, however, that any such mortgage shall be fully payable
76 within 5 years from the date of the sale and shall bear interest at
77 a rate not less than 5% per annum. The governing body may also
78 impose restrictions on the use to be made of such land and any
79 conditions of sale as to buildings or structures, or as to the type,
80 size, or other specifications of buildings or structures to be con-
81 structed thereon, or as to demolition, repair, or reconstruction of
82 buildings or structures, and the time within which such conditions
83 shall be operative, or any other conditions of sale in like manner
84 and to the same extent as by any other vendor; provided, however,
85 that any conditions for the payment of the consideration upon
86 credit and the restrictions on the use to be made of the land, and
87 the conditions of sale shall be set forth at length in any advertise-
88 ment of sale hereinabove required. The governing body may by

89 resolution fix the time for closing of title and payment of the con-
90 sideration.

91 In all sales made pursuant to paragraphs (a) or (c) of this sec-
92 tion, the governing body of any county or municipality may provide
93 for the payment of a commission to any real estate broker or other
94 authorized representative other than the purchaser actually con-
95 summing such sale, but said commissions shall not exceed 5% of
96 the sale price.

97 Source: R. S. 40:32-8, amended 1950, c. 50; 40:60-26, amended
98 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160; 1946, c. 106; 1947,
99 c. 417; 1948, c. 245; 1957, c. 86; 40:60-27.

1 16. Sale of contingent interest in land. Where any county or
2 municipality has a contingent interest or estate limited to a par-
3 ticular public use in land, the governing body may sell or otherwise
4 dispose of such contingent interest or estate, if they in their discre-
5 tion shall determine, the use thereof for the purpose limited has or
6 shall become impracticable, or the public welfare be best promoted
7 by the sale or other disposition.

8 Source: R. S. 40:60-30.

1 17. Sale of certain lands authorized to be sold by county or
2 municipality; disposition of proceeds. When any county or munici-
3 pality has acquired any lands or interest therein by gift, grant or
4 devise, and by the terms of said gift, grant or devise, the governing
5 body may sell the same, in such parcels as the governing body may
6 determine at private sale for cash or upon credit, and may impose
7 conditions and restrictions on the use to be made of such lands or
8 interest, and may accept a purchase money mortgage from the
9 purchasers upon terms and conditions which may be fixed by such
10 governing body in like manner and to the same extent as any other
11 vendor of real estate might do without compliance with any other
12 law governing disposal of lands by counties or municipalities.

13 The proceeds from the sale of any such lands or interest if
14 required by the terms of such gift, grant or devise shall be deposited
15 in a trust account and shall be invested by the governing body and
16 the income therefrom shall be dedicated to the care and maintenance
17 of the balance of such lands or interest acquired by the same gift,
18 grant or devise.

19 Source: C. 40:32-9.1 (1942, c. 262); C. 40:32-9.2 (1942, c. 262).

1 18. Conveyances or other transfers to perfect title or interest
2 previously conveyed. When any county or municipality has or
3 shall have conveyed its right, title and interest in any real estate not
4 needed for public use, and it was assumed and intended that there

5 should be conveyed a good and sufficient title in fee simple to said
6 real estate, free of all encumbrances and the full consideration has
7 been paid therefor, and it shall thereafter appear that the title
8 conveyed was insufficient or that said county or municipality at
9 the time of said conveyance was not the owner of some estate or
10 interest in said real estate or of some encumbrances thereon and
11 the county or municipality shall thereafter acquire a good and
12 sufficient title in fee simple, free of all encumbrances to said real
13 estate or shall acquire such outstanding estate or interest therein
14 or outstanding encumbrance thereon, said county or municipality
15 may thereupon by resolution of the governing body, without the
16 payment of any additional consideration and without complying
17 with any other law governing disposal of lands by a county or
18 municipality, convey or otherwise transfer to the purchaser, his
19 heirs or assigns, such after acquired title, or estate or interest in,
20 or encumbrance upon, such real estate to perfect the title or interest
21 previously conveyed.

22 Source: C. 40:60-27.3 (1949, c. 153).

1 19. Release of easements. The governing body of any county,
2 by resolution, or any municipality, by ordinance, may release the
3 public rights, in the nature of easements, in, on, over or under any
4 lands within the county or the municipality, as the case may be,
5 upon such terms as shall be agreed upon with the owner of such
6 lands, if the use of such rights is no longer desirable, necessary or
7 required for public purposes. After the adoption of the resolution
8 or ordinance and compliance by the owner of said lands with the
9 terms thereof, said lands shall be free, clear and entirely dis-
10 charged of and from such rights of the public and of the county or
11 municipality, as the case may be, but no such release shall affect
12 the right of lawful occupancy or use of any such lands by any
13 municipal or private public utility to occupy or use any such lands
14 lawfully occupied or used by it.

15 Source: R. S. 40:60-36; C. 40:60-38.1 (1964, c. 109).

1 20. Exchanges of certain lands; exceptions. The governing body
2 of any county, by resolution, or any municipality, by ordinance,
3 may exchange any lands or any rights or interests therein owned
4 by the county or municipality, except lands used for public high-
5 ways or places, for other lands desired for public use. The county
6 or municipality may exact and receive a cash consideration in addi-
7 tion to such other lands when such exchange shall be authorized,
8 and such governing body determines that the lands to be conveyed
9 to such county or municipality or such lands and the cash considera-

10 tion to be paid are at least of equal value to, and their acquisition
11 is more advantageous to, the county or municipality for public use,
12 than the lands to be conveyed by the county or municipality, and
13 that it is in the public interest that such exchange of lands be
14 consummated. Any prior dedication or determination for use for
15 park purposes of such land or any part thereof, shall not preclude
16 an exchange thereof under this section but where the lands to be
17 exchanged by a municipality are lands that have been dedicated
18 and determined for use for park purposes, the lands received in
19 exchange therefor by the municipality shall be used for the same
20 purposes.

21 Source: C. 40:60-51.1 (1942, c. 199 amended 1946, c. 157; 1958,
22 c. 160); C. 40:60-51.3 (1944, c. 77); C. 40:60-51.4 (1944, c. 77).

1 21. Application of proceeds of disposition of lands. When any
2 county or municipality shall dispose of lands not acquired at a tax
3 sale, having issued bonds to finance the purchase thereof, and at
4 the time of such disposal any of said bonds are outstanding, the
5 whole proceeds of such disposal or, so much thereof as shall be
6 necessary shall be used for the liquidation of such bonds. Payment
7 of such bonds may be made at or prior to maturity on cancellation.
8 Source: R. S. 40:60-31.

1 22. Sales or transfers to United States, State or any political sub-
2 division thereof or county park commission. Any county or munici-
3 pality may transfer at private sale or transfer, any real estate or
4 any right or interest therein not needed for public use by the county
5 or municipality to the United States Government, the State of New
6 Jersey or any political subdivision thereof, or to the county park
7 commission in the county, without compliance with any other law
8 governing disposals of lands by counties or municipalities. Any
9 such transfer may be made by private sale or other transfer.
10 Source: R. S. 40:32-9; 40:60-29; 40:60-37.

1 23. Conveyance of lands for public educational purposes. When
2 the governing body of a county or municipality shall determine by
3 resolution that all or any part of a tract of land improved or un-
4 improved is no longer needed for public purposes, the governing
5 body may authorize the conveyance of such lands or any portion
6 thereof to the State when so requested or approved by resolution
7 of the State Board of Education or State Board of Higher Educa-
8 tion or to any board of education in the county or municipality or
9 to a regional board of education of a regional school district or to
10 a consolidated board of education of a consolidated school district
11 in the county or of which the municipality is a constituent part,

12 requesting or approving such conveyance by resolution, for a
13 nominal consideration, to be used by the State for educational pur-
14 poses or for public purposes, connected with the district board of
15 education or the regional board of education or the consolidated
16 board of education, and may cause the same to be duly conveyed by
17 its proper officers accordingly. A prior dedication or use for park
18 purposes of such land or any part thereof shall not be deemed to
19 preclude a transfer and conveyance thereof under the provisions
20 of this section.

21 Source: R. S. 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3,
22 s. 1; 1961, c. 96, s. 1); 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96,
23 s. 2).

1 24. Reconveyance of land limited to educational purposes.
2 Whenever the governing body of any county or municipality, to
3 which there has been conveyed land to be used for educational pur-
4 poses without the payment of any consideration therefor, shall, by
5 resolution,

6 (a) Determine that said land cannot be used advantageously
7 for the purposes for which the same were conveyed to the
8 county or municipality,

9 (b) Authorize the conveyance of the interest of the county
10 or municipality in said land to the person by whom the same
11 were conveyed to the county or municipality, upon payment of
12 a consideration equal to the fair market value of said interest
13 therein, and

14 (c) Fix such consideration,
15 the said lands shall be reconveyed accordingly upon payment of
16 said consideration.

17 Source: C. 40:60-27.4 (1950, c. 7).

1 25. Private sales to certain organizations upon nominal consid-
2 eration. When the governing body of any county or municipality
3 shall determine that all or any part of a tract of land, with or with-
4 out improvements, owned by the county or municipality, is not then
5 needed for county or municipal purposes, as the case may be, said
6 governing body, by resolution, may authorize a private sale and
7 conveyance of the same, or any part thereof without compliance
8 with any other law governing disposal of lands by counties and
9 municipalities for a consideration, which may be nominal, upon any
10 terms, conditions and limitations, which said governing body shall
11 deem advisable, in addition to those required in the cases herein-
12 after set forth, to

13 (a) A duly incorporated volunteer fire company or first aid and
14 emergency or volunteer ambulance or rescue squad association of

15 a municipality within the county, in the case of a county, or of the
16 municipality, in the case of a municipality, for the construction
17 thereon of a firehouse or fire school or a first aid and emergency
18 or volunteer ambulance or rescue squad building or for the use of
19 any existing building for any or all of said purposes and any such
20 land or building sold to any duly incorporated volunteer fire com-
21 pany may be leased by such fire company to any volunteer firemen's
22 association for the use thereof for fire school purposes for the
23 benefit of the members of such association, or

24 (b) Any nationally chartered organization or association of vet-
25 erans of any war, in which the United States has or shall have been
26 engaged, by a conveyance for a consideration, other than nominal
27 as above provided, in lieu of which, may be an agreement by the
28 organization or association to render service or provide facilities
29 for the general public of the county or municipality, of a kind which
30 the county or municipality may furnish to its citizens and to the
31 general public and containing a limitation that such lands or build-
32 ings shall be used only for the purposes of such organization or
33 association, and to render such services or to provide such facilities
34 as may be agreed upon, and not for commercial business trade or
35 manufacture, and that if said lands or buildings are not used in
36 accordance with said limitation, title thereto shall revert to the
37 county or municipality without any entry or re-entry made thereon
38 on behalf of such county or municipality, or

39 (c) Any duly incorporated nonprofit hospital association for the
40 construction or maintenance thereon of a general hospital by a
41 conveyance containing a limitation that if said land shall cease to
42 be used for said purposes, title thereto shall revert to the county or
43 municipality without any entry or re-entry made thereon on behalf
44 of such county or municipality, or

45 (d) Any paraplegic veteran, that is to say, any officer, soldier,
46 sailor, marine, nurse or other person, regularly enlisted or inducted,
47 who was or shall have been in the active military or naval forces
48 of the United States in any war in which the United States was
49 engaged, and who, at the time he was commissioned, enlisted, in-
50 ducted, appointed or mustered into such military or naval service,
51 was a resident of and who continues to reside in this State, who is
52 suffering from paraplegia and has permanent paralysis of both
53 legs or the lower parts of the body resulting from injuries sus-
54 tained through enemy action or accident while in such active mili-
55 tary or naval service, for the construction of a home to domicile
56 him, or to any organization or association of veterans, for the
57 construction of a home or homes to domicile paraplegic veterans,

58 with power to convey said lands and premises to the paraplegic
 59 veteran or veterans on whose behalf said organization or associa-
 60 tion shall acquire title to said lands.

61 Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87,
 62 amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949,
 63 c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61,
 64 s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75,
 65 s. 2); C. 40:60-51.6 (1957, c. 148).

1 26. Display of flags on county and municipal buildings. The
 2 governing bodies of the respective counties and municipalities shall
 3 procure United States flags, flagstaffs and the appliances therefor
 4 for their particular county courthouse and the municipal buildings
 5 and shall display the flags upon or near said county courthouses
 6 and buildings during business hours and at such other times as the
 7 governing bodies may deem proper.

8 Source: R. S. 40:9-4.

1 27. Rental of lands and bulidings or portions thereof not needed
 2 for public use; portions of buildings; rental. Every county or
 3 municipality may lease for fixed and upon prescribed terms and
 4 for private purposes any of the land or buildings or any part
 5 thereof not presently needed for public use to the person who will
 6 pay the highest rent therefor. The use by the lessee shall be of such
 7 character as not to be detrimental to the building or the use of the
 8 building or the use of the unleased part of the building.

9 Source: R. S. 40:32-12; 40:60-42.

1 28. Use of public building by counties and municipalities. Each
 2 county may authorize any municipality in the county to use, for
 3 municipal purposes, a portion of any county building and any
 4 municipality may permit the county in which it is located to use for
 5 county purposes a portion of any municipal building, not needed
 6 for the purposes of the county or the municipality, as the case may
 7 be, upon such terms as shall be agreed upon by the governing bodies
 8 of the county and the municipality.

9 Source: R. S. 40:32-11.

1 29. Devotion of lands to other purposes. Any county or munici-
 2 pality having acquired land or any estate or interest therein, which
 3 land or estate or interest shall have become unsuited or inconvenient
 4 for the use for which it was acquired, may, at any time convert a
 5 portion or the whole thereof to any other public use unless other-
 6 wise provided by law.

7 Source: R. S. 40:32-10, amended 1953, c. 119; 40:60-37; 40:60-38.

1 30. No liability for injuries to persons from use of grounds,
 2 buildings or structures. No county or municipality shall be liable

3 for injury to the person from the use of any public grounds, build-
4 ings or structures, any law to the contrary notwithstanding.

5 Source: R. S. 40:9-2.

1 31. Lease of above surface and subsurface areas of lands. Any
2 county or municipality owning lands therein which has an area
3 above or below the surface of the ground not required for the use of
4 the county or municipality, may lease such area by private negotia-
5 tion for a term not exceeding 99 years upon such terms and condi-
6 tions as shall be consistent with the use of the part of such lands
7 retained by the county or municipality or by the State if parts of the
8 lands were conveyed to the county or municipality by the State. Any
9 such lease shall be provided for by resolution of the governing body.

10 Source: R. S. 40:176-1.

1 32. Terms, conditions, plans and specifications. In any lease
2 under the preceding section, the governing body according to their
3 discretion, may fix the annual rental, the terms and conditions,
4 including limitations of the use of the building. Full and detailed
5 plans and specifications of a building, if any, to be erected shall be
6 shown.

7 Source: R. S. 40:176-2.

1 33. County or municipal buildings, equipment and services made
2 available to certain organizations benefiting mentally retarded or
3 mentally ill persons. Any county or municipality may authorize
4 the use of space, rooms or offices in any building owned or controlled
5 by such county or municipality, with or without the payment of
6 rent, by any county mental health association or any nonprofit
7 organization whose services are nonsectarian, incorporated under
8 the laws of this State, for the purpose of conducting a day-care
9 center or school for mentally-retarded or mentally-ill persons or
10 by any private or nonprofit organization in the county, incorporated
11 under the laws of this State, whose services are nonsectarian, pro-
12 viding aid or assistance to mentally-retarded or mentally-ill per-
13 sons. Any such authorization may be made in the form of a lease,
14 under such terms, conditions and regulations as the governing body
15 shall determine. Any such authorization or lease may include the
16 right to use furniture and equipment of the county or municipality
17 and such services and utilities as shall be available.

18 Source: C. 40:32-20 (1958, c. 87 amended 1960, c. 185, s. 2; 1963,
19 c. 188, s. 2).

1 34. Leases to certain organizations upon nominal or other rentals.
2 Any county or municipality may lease for such periods of time and
3 at nominal or other rentals, and upon such terms, conditions and
4 limitations, if any, as the governing body, by resolution, may

5 determine, any real estate or space in any building owned or con-
6 trolled by such county or municipality which is not required for
7 county or municipal purposes to

8 (a) Any incorporated historical society in the county or
9 municipality;

10 (b) Any organization of veterans of any war in which the
11 United States has or shall have been engaged;

12 (c) Any association organized for the education and treat-
13 ment of cerebral palsy patients in the county or municipality,
14 including the education and treatment of county or municipal
15 indigent patients, upon a nonprofit or charitable basis, and may
16 authorize the construction and maintenance of a treatment
17 center and office building;

18 (d) Any nonprofit organization or association having for
19 its purposes the promotion of the health, safety, morals and
20 general welfare of the community;

21-32 (e) Any duly incorporated fire company or first-aid and
33 emergency or volunteer ambulance or rescue squad association
34 or any duly incorporated association of exempt firemen of any
35 municipality or fire district, within the county; or

36 (f) Any nonprofit organization organized for the purpose
37 of maintaining a shelter for persons aged 65, while used for
38 the purposes of such organizations and not for commercial
39 business, trade or manufacturing.

40 Source: R. S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34); R. S.
41 40:60-43, amended 1962, c. 132; 1964, c. 110); R. S. 40:60-44;
42 40:60-45; C. 40:60-45.1 (1940, c. 145); C. 40:60-45.2 (1947, c. 316);
43 C. 40:60-45.3 (1950, c. 184 amended 1951, c. 132, s. 2; 1955, c. 130;
44 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1); C. 40:60-45.4 (1954,
45 c. 184 amended 1966, c. 35); C. 40:60-45.5 (1965, c. 228); C.
46 40:60-51.11 (1964, c. 71).

COUNTIES, COUNTY PARK COMMISSIONS AND MUNICIPALITIES

1 35. Use of lands for training grounds and improvement thereof
2 for firemen. Any county, county park commission or municipality
3 by resolution may make available any lands owned or controlled
4 by said county, county park commission or municipality, which are
5 not then needed for other public purposes, for use as training
6 grounds for a paid, part-paid or volunteer fire company of the
7 county, county park commission, municipality or fire district in
8 such county or any adjoining county. The governing body from
9 time to time may raise, appropriate and expend such sums of money
10 as they may deem expedient for improving the said lands for
11 training purposes, including installation of water mains and

12 hydrants, and the construction of drill towers and training equip-
 13 ment, for use in the instruction of fire companies in the latest
 14 methods, procedures and techniques of fire fighting, and in testing
 15 apparatus and equipment.

16 Source: C. 40:32-13.1 (1954, c. 18); C. 40:32-13.2 (1954, c. 18).

COUNTIES

1 36. Lease of space in county buildings; legal aid association or
 2 societies. Any county may lease for a nominal or other rental to
 3 any legal aid association or society, incorporated under the laws
 4 of this State, the use of certain designated space in any building
 5 owned or controlled by the county, together with the right to use
 6 furniture and equipment and such services as shall be made avail-
 7 able as an incident to the use of such space.

8 Source: C. 40:23-6.21 (1950, c. 194).

CITIES, FIRST AND SECOND CLASS

1 37. Lease of lands or buildings; terms. Every city of the first
 2 or second class may lease to any person land or building of the
 3 city not needed for public use for a fixed term not exceeding *[50]*
 4 *99* years without compliance with any other law governing dis-
 5 posal of lands by municipalities.

6 Source: R. S. 40:176-11; 40:176-12.

1 38. Statutes repealed. The following sections, chapters and acts,
 2 together with all amendments and supplements thereto are hereby
 3 repealed:

4 Sections 40:9-1; 40:9-2; 40:9-4; 40:32-1; 40:32-2; 40:32-3;
 5 40:32-5; 40:32-7; 40:32-8; 40:32-9; 40:32-10; 40:32-11; 40:32-12;
 6 40:32-13; 40:32-20; 40:60-1; 40:60-2; 40:60-3; 40:60-4; 40:60-5;
 7 40:60-6; 40:60-7; 40:60-8; 40:60-9; 40:60-26; 40:60-27; 40:60-29;
 8 40:60-30; 40:60-31; 40:60-36; 40:60-37; 40:60-38; 40:60-39;
 9 40:60-40; 40:60-42; 40:60-43; 40:60-44; 40:60-45; 40:176-1;
 10 40:176-2; 40:176-11; 40:176-12 of the Revised Statutes;

11 Laws of 1940, c. 145 (C. 40:60-45.1);

12 Laws of 1942, c. 199 (C. 40:60-51.1);

13 Laws of 1942, c. 262 (C. 40:32-9.1—C. 40:32-9.2);

14 Laws of 1944, c. 77 (C. 40:60-51.3—C. 40:60-51.4);

15 Laws of 1947, c. 87 (C. 40:60-40.1);

16 Laws of 1947, c. 316 (C. 40:60-45.2);

17 Laws of 1948, c. 246 (C. 40:60-40.2—C. 40:60-40.3);

18 Laws of 1949, c. 61 (C. 40:60-40.4);

19 Laws of 1949, c. 153 (C. 40:60-27.3);

20 Laws of 1950, c. 7 (C. 40:60-27.4);

21 Laws of 1950, c. 184 (C. 40:60-45.3);

22 Laws of 1950, c. 194 (C. 40:23-6.21);

- 23 Laws of 1954, c. 18 (C. 40:32-13.1—C. 40:32-13.2);
- 24 Laws of 1954, c. 143 (C. 40:60-40.5);
- 25 Laws of 1954, c. 184 (C. 40:60-45.4);
- 26 Laws of 1957, c. 148 (C. 40:60-51.6);
- 27 Laws of 1960, c. 34 (C. 40:32-13.3);
- 28 Laws of 1964, c. 71 (C. 40:60-51.11);
- 29 Laws of 1964, c. 109 (C. 40:60-38.1);
- 30 Laws of 1965, c. 228 (C. 40:60-45.5).

1 39. Effective date. This act shall take effect January 1, 1970.

ASSEMBLY COMMITTEE AMENDMENT TO
SENATE, No. 283

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 28, 1969

Amend page 15, section 34, line 37, omit "65", insert "62 and over".

Ret'd. with
Gov. Recom'ds.

11-17-69

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 283

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

AN ACT concerning counties and municipalities in relation to lands
and buildings and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Short title. This act shall be known and be cited as the "Local
2 Lands and Buildings Law."

3 Source: New.

COUNTIES AND MUNICIPALITIES

1 2. "Acquire" to include "acquisition by gift, devise, purchase,
2 lease or condemnation." Whenever any county or municipality is
3 empowered by law to acquire lands or buildings, or both, such
4 county or municipality may acquire the same by gift, devise, pur-
5 chase, lease or condemnation unless the method of acquisition is
6 otherwise provided for and whenever any county or municipality
7 is empowered by law to acquire lands or buildings, or both, or to
8 construct any building for any purpose, it may acquire by lease,
9 including an agreement by the lessor to construct a building, any
10 lands or buildings suitable for such purpose.

11 Source: R. S. 40:32-1; 40:60-1.

1 3. Resolution or ordinance; enactment. "Resolution" or "ordi-
2 nance" when used in connection with the action of a county or
3 municipality means a resolution or ordinance adopted by the
4 governing body of the county or municipality. In any case in which
5 a resolution or ordinance authorizing the expenditure of public
6 moneys is required to be approved by any other board, body or
7 commission of the county or municipality, "resolution" or "ordi-
8 nance" shall mean also adopted or approved by the board, body
9 or commission authorized to take such action on behalf of the
10 county or municipality.

11 Source: New.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

1 4. Acquisition or improvement; maintenance or operation of
2 property or facility; provision for payment of cost. Whenever
3 pursuant to law, a county or municipality is authorized to acquire
4 or improve any property, real or personal, the county or municipi-
5 pality may provide for the payment of the cost of such acquisition
6 or improvement, or both, in whole or in part, by the incurring of
7 indebtedness and issuance of bonds in accordance with the "Local
8 Bond Law," (chapter 2 of Title 40A of the New Jersey Statutes)
9 or by having provided an appropriation in the annual budget for
10 the purpose. Whenever pursuant to law a county or municipality
11 is authorized to maintain or operate any property, real or personal,
12 or any facility, the county or municipality may provide for the
13 payment of the cost of such maintenance or operation, or both, by
14 budget appropriation in the manner provided by law, any sums
15 obtained from earnings of such property or facility, if any, or from
16 any other lawful revenue source subject to the provisions of the
17 "Local Budget Law," (chapter 4 of Title 40A of the New Jersey
18 Statutes).

19 Source: New.

1 5. Buildings, acquisition of land for; construction and mainte-
2 nance. Any county or municipality may purchase, or otherwise
3 acquire or construct and may maintain such buildings as may be
4 necessary and suitable for the accommodation of the courts required
5 to be held in the county or municipality, the conduct of public busi-
6 ness, and the use of the county and municipal departments, officers,
7 boards, commissions and agencies in charge of institutions and
8 facilities and any other county or municipal public purposes, and
9 from time to time as necessary, repair, alter, enlarge or rebuild
10 such buildings. Any municipal building may be used as a United
11 States post office.

12 Any county or municipality may acquire the necessary land for
13 the construction thereon of buildings or additions thereto and for
14 suitable surrounding grounds and parking facilities to be used in
15 connection therewith. Any such buildings and facilities may be
16 constructed and maintained upon real property owned or leased
17 by the county or municipality and not needed for other public use.

18 The county or municipality may furnish and equip such buildings
19 and facilities for the proper use thereof and may from time to time
20 as may be necessary, repair and replace the furnishings and equip-
21 ment thereof.

22 Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40:60-6,
23 amended 1954, c. 39.

1 6. Acquisition of lands, and interests therein; and water and
2 water rights; outstanding interests in lands; entry and examina-
3 tion. Every county or municipality may acquire:

4 (a) Any real property or any interest or estate whatsoever
5 therein, including easements, water or water rights, either
6 within or without the county or municipality, or

7 (b) Any outstanding easement, right or interest in any real
8 property of the county or municipality,

9 which the governing body shall determine to be necessary or useful
10 for the proper exercise of any power conferred upon the county
11 or municipality by this or any other law; but this section shall not
12 operate, or be construed, to repeal or supersede any law requiring
13 the consent of any other county or municipality, or of any State
14 authority for the acquisition of any such property. Any county
15 or municipality, proposing to acquire any such property, may enter
16 upon the same at any time, by their engineers, surveyors and
17 agents, to make reasonable examinations, surveys and explorations,
18 being liable to the owner and tenants for any damage.

19 Source: R. S. 40:32-2; 40:60-2.

1 7. Property acquired subject to conditions; departmental control.
2 Any county, by resolution, or any municipality, by ordinance, may
3 provide for the acquisition of any real or personal property, other
4 than by condemnation, subject to conditions or limitations as to
5 its use by the county or municipality or subject to restrictions,
6 imposed by the person from whom the property is acquired, or by
7 any previous owner, provided the governing body accepts such
8 conditions or limitations. When any county or municipality shall
9 have acquired any real or personal property, upon condition that
10 it be used for 2 or more purposes, which would subject the property
11 to the control of separate boards or departments, the governing
12 body of the county or municipality may designate the board or
13 department to control and manage the same, or create a new board
14 or department for such purpose, but subject to all the said condi-
15 tions or limitations.

16 Source: R. S. 40:60-9.

1 8. Acquisition of outstanding interests in lands owned. Any
2 county or municipality having acquired any estate or interest in
3 land subject to an outstanding interest therein of any character
4 may acquire by purchase or condemnation such outstanding
5 interest.

6 In any such condemnation in determining the amount to be paid
7 to the owner of the outstanding interest there may be taken into

8 consideration changes in the use, if any, of the land in question.

9 Source: R. S. 40:60-38.

1 9. Acquisition of interests in lieu of enforcement of claims. When
2 a county or municipality has or shall have acquired a lien or other
3 interests by judgment, mortgage, tax, assessment, sale for taxes
4 or assessments, or otherwise, against any real property, the county
5 or municipality may purchase or otherwise acquire said real prop-
6 erty or any interest therein, or any lien thereon, without the
7 necessity of taking or completing the necessary proceedings in any
8 court of competent jurisdiction to enforce its lien or to obtain
9 satisfaction for its interest in said real property.

10 The consideration to be paid by such acquisition shall not exceed
11 in any one case the approximate amount of the cost of the proceed-
12 ings ordinarily incidental to the enforcement of the lien, or to
13 obtain satisfaction for its interest in said real property, to be
14 determined by resolution of the governing body of said county or
15 municipality, except that in the case of the purchase or release of
16 an inheritance or estate tax lien of the State of New Jersey on real
17 property, or of any right, title, interest or estate of the State in
18 real property, arising out of a transfer inheritance or estate tax
19 lien created or existing under subtitle 5 of Title 54 of the Revised
20 Statutes, the consideration to be paid for the purchase or release
21 of said lien or the assignment or the conveyance of the right, title,
22 interest or estate of the State shall be such amount as may be agreed
23 upon between the governing body of the county or municipality
24 and the Director of the Division of Taxation in the Department
25 of the Treasury, not exceeding the total amount of the transfer
26 inheritance or estate tax assessed, with interest and costs, and the
27 director is hereby authorized when in his judgment such action
28 will better serve the interests of the State and the county or munici-
29 29 pality (a) to propose a settlement and receive payment in satisfac-
30 30 tion thereof, in an amount less than the transfer inheritance or
31 31 estate tax assessed with interest and costs, and (b) to apportion
32 32 said taxes, interest and costs in those cases where more than one
33 33 parcel of property is involved.

34 Source: R. S. 40:60-3, amended 1940, c. 140; 1943, c. 39.

1 10. Joint departmental acquisitions and joint use of buildings.
2 Any county or municipality may provide for the construction and
3 maintenance of one or more buildings and structures for the use
4 of any department or for the joint use of 2 or more departments
5 and may acquire suitable land therefor. Where in any municipality
6 there is a board having certain governmental functions as well as

7 a governing body any 2 or more such bodies may join in the pur-
 8 chase or condemnation of land and the construction and mainte-
 9 nance of buildings for common use by such departments, parts
 10 thereof, or officers of the bodies so joining. Any such governing
 11 body may permit any such other body thereof the use of any land
 12 or building, or part thereof, controlled by it upon such terms as
 13 may be mutually agreed upon.

14 Source: R. S. 40:60-8.

1 11. Temporary quarters. Any county or municipality may lease,
 2 temporarily, any suitable building for any county or municipal
 3 offices, officers or departments when needed by reason of the de-
 4 struction, alteration, repairing or inadequacy of any county or
 5 municipal building.

6 Source: R. S. 40:60-7.

1 12. Joint purchase of lands and construction of buildings for
 2 joint use. Any county or municipality therein may acquire land
 3 and construct thereon a building or buildings for their joint use.
 4 Title thereto shall be taken in the manner and their respective uses
 5 provided by agreement between the governing bodies of the county
 6 and municipality. The expense of acquisition of such land and the
 7 construction of a building or buildings and of the maintenance
 8 thereof shall be divided between the county and municipality in
 9 such manner as the governing bodies shall agree upon.

10 Source: R. S. 40:32-5.

MUNICIPALITIES

1 13. Establishing of plazas and open spaces for public travel.
 2 Any municipality, by ordinance, may provide for the acquisition
 3 of lands therein for the purpose of establishing plazas and open
 4 spaces for the convenience of the travelling public and for the
 5 improvement and establishing thereof.

6 Source: R. S. 40:60-5.

1 14. Acquisition of property in other States; necessity for and
 2 manner of acquisition. When a municipality determines that prop-
 3 erty located in a foreign State is necessary to the beneficial use
 4 of property in this State owned by the municipality it may acquire
 5 such property located in a foreign State. Title thereto may be
 6 acquired either in the corporate name of the municipality or in the
 7 name of a trustee for the municipality.

8 Source: R. S. 40:60-4.

COUNTIES AND MUNICIPALITIES

1 15. Sales of lands or buildings; exceptions; procedure. Any
 2 county or municipality may sell any lands or buildings, or interests
 3 therein, not needed for public use, as set forth in the resolution

4 or ordinance authorizing the sale, other than municipal lands used
5 for public highways or places or for park purposes, and, except
6 as otherwise provided by law, all such sales shall be made by one
7 of the following methods:

8 (a) By public sale to the highest bidder after advertisement
9 thereof in a newspaper circulating in the municipality or municipi-
10 palities in which the lands are situated by 2 insertions at least
11 once a week during 2 consecutive weeks, the last publication to be
12 not earlier than 7 days prior to such sale. In the case of public
13 sales, the governing body may by resolution fix a minimum price,
14 with or without the reservation of the right, to reject all bids where
15 the highest bid is not accepted. Notice of such reservation shall be
16 included in the advertisement of the sale and public notice thereof
17 shall be given at the time of sale. Such resolution may provide,
18 without fixing a minimum price, that upon the completion of the
19 bidding, the highest bid may be accepted or all the bids may be
20 rejected. Such acceptance or rejection shall be made not later than
21 at the second regular meeting of the governing body following the
22 sale, and, if the governing body shall not so accept such highest
23 bid, or reject all bids, said bids shall be deemed to have been re-
24 jected. Any such sale may be adjourned at the time advertised for
25 not more than 1 week without readvertising.

26 (b) At private sale when authorized by resolution, in the case
27 of a county, or by ordinance, in the case of a municipality, to be
28 made during a specified period of time, on terms and at a minimum
29 sale price for each property so to be sold, as fixed in such resolu-
30 tion or ordinance. A list of the properties so authorized to be sold,
31 together with the minimum prices respectively, as determined by
32 the governing body, shall be included in the resolution or ordinance
33 and said list shall be posted on the bulletin board or other con-
34 spicuous space in the building in which the governing body usually
35 holds its regular meetings. Additional copies of said list shall be
36 made available for distribution. Offers for any or all properties
37 so listed may be made to the governing body, during the period
38 so specified, at not less than said minimum prices, by any prospec-
39 tive purchaser, real estate broker, or other authorized representa-
40 tive. The commission to be paid to any such broker or authorized
41 representative consummating a sale, other than the purchaser, shall
42 be not more than 5% of the sale price, and may be paid out of the
43 down payment on account of the purchase price.

44 Upon the acceptance of any such offer by the governing body
45 an official or officials shall be designated by resolution of the gov-

46 erning body to consummate the sale and upon ratification of the
47 action of such official or officials by the governing body by resolu-
48 tion at a regular meeting the sale in all respects shall become
49 effective.

50 (c) At private sale, upon any offer being made by any person
51 to the county or municipality to purchase any such property, which
52 offer shall be submitted to and considered by the governing body
53 at a regular or special meeting, and said governing body may then
54 reject said offer, or may approve the same subject to final approval
55 at a later public meeting of said governing body to be held not
56 less than 10 days thereafter. Notice of said later meeting, contain-
57 ing the offer of purchase with a description of the land to be sold,
58 the amount offered and the terms and conditions of the sale, shall
59 be published at least once in a newspaper circulating in the mu-
60 nicipality in which the lands are situated, not less than 2 nor more
61 than 10 days before said later meeting. At said further meeting
62 the said offer to purchase said property shall be considered by the
63 governing body, which may then reject the offer, or may approve
64 the said sale under the terms and conditions offered, or a modifi-
65 cation thereof, if no greater sum or better terms shall then be bid
66 for said property by said person or by any other person the sale
67 shall be made to the highest bidder or the bidder offering the most
68 advantageous terms as determined by said governing body. The
69 governing body may then authorize the proper officers to consum-
70 mate the sale.

71 All sales, either public or private, may be made for cash or upon
72 credit. When made upon credit, the county or municipality may
73 accept a purchase money mortgage, upon terms and conditions
74 which shall be fixed by the resolution of the governing body; pro-
75 vided, however, that any such mortgage shall be fully payable
76 within 5 years from the date of the sale and shall bear interest at
77 a rate not less than 5% per annum. The governing body may also
78 impose restrictions on the use to be made of such land and any
79 conditions of sale as to buildings or structures, or as to the type,
80 size, or other specifications of buildings or structures to be con-
81 structed thereon, or as to demolition, repair, or reconstruction of
82 buildings or structures, and the time within which such conditions
83 shall be operative, or any other conditions of sale in like manner
84 and to the same extent as by any other vendor; provided, however,
85 that any conditions for the payment of the consideration upon
86 credit and the restrictions on the use to be made of the land, and
87 the conditions of sale shall be set forth at length in any advertise-
88 ment of sale hereinabove required. The governing body may by

89 resolution fix the time for closing of title and payment of the con-
90 sideration.

91 In all sales made pursuant to paragraphs (a) or (c) of this sec-
92 tion, the governing body of any county or municipality may provide
93 for the payment of a commission to any real estate broker or other
94 authorized representative other than the purchaser actually con-
95 summing such sale, but said commissions shall not exceed 5% of
96 the sale price.

97 Source: R. S. 40:32-8, amended 1950, c. 50; 40:60-26, amended
98 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160; 1946, c. 106; 1947,
99 c. 417; 1948, c. 245; 1957, c. 86; 40:60-27.

1 16. Sale of contingent interest in land. Where any county or
2 municipality has a contingent interest or estate limited to a par-
3 ticular public use in land, the governing body may sell or otherwise
4 dispose of such contingent interest or estate, if they in their discre-
5 tion shall determine, the use thereof for the purpose limited has or
6 shall become impracticable, or the public welfare be best promoted
7 by the sale or other disposition.

8 Source: R. S. 40:60-30.

1 17. Sale of certain lands authorized to be sold by county or
2 municipality; disposition of proceeds. When any county or munici-
3 pality has acquired any lands or interest therein by gift, grant or
4 devise, and by the terms of said gift, grant or devise, the governing
5 body may sell the same, in such parcels as the governing body may
6 determine at private sale for cash or upon credit, and may impose
7 conditions and restrictions on the use to be made of such lands or
8 interest, and may accept a purchase money mortgage from the
9 purchasers upon terms and conditions which may be fixed by such
10 governing body in like manner and to the same extent as any other
11 vendor of real estate might do without compliance with any other
12 law governing disposal of lands by counties or municipalities.

13 The proceeds from the sale of any such lands or interest if
14 required by the terms of such gift, grant or devise shall be deposited
15 in a trust account and shall be invested by the governing body and
16 the income therefrom shall be dedicated to the care and maintenance
17 of the balance of such lands or interest acquired by the same gift,
18 grant or devise.

19 Source: C. 40:32-9.1 (1942, c. 262); C. 40:32-9.2 (1942, c. 262).

1 18. Conveyances or other transfers to perfect title or interest
2 previously conveyed. When any county or municipality has or
3 shall have conveyed its right, title and interest in any real estate not
4 needed for public use, and it was assumed and intended that there

5 should be conveyed a good and sufficient title in fee simple to said
6 real estate, free of all encumbrances and the full consideration has
7 been paid therefor, and it shall thereafter appear that the title
8 conveyed was insufficient or that said county or municipality at
9 the time of said conveyance was not the owner of some estate or
10 interest in said real estate or of some encumbrances thereon and
11 the county or municipality shall thereafter acquire a good and
12 sufficient title in fee simple, free of all encumbrances to said real
13 estate or shall acquire such outstanding estate or interest therein
14 or outstanding encumbrance thereon, said county or municipality
15 may thereupon by resolution of the governing body, without the
16 payment of any additional consideration and without complying
17 with any other law governing disposal of lands by a county or
18 municipality, convey or otherwise transfer to the purchaser, his
19 heirs or assigns, such after acquired title, or estate or interest in,
20 or encumbrance upon, such real estate to perfect the title or interest
21 previously conveyed.

22 Source: C. 40:60-27.3 (1949, c. 153).

1 19. Release of easements. The governing body of any county,
2 by resolution, or any municipality, by ordinance, may release the
3 public rights, in the nature of easements, in, on, over or under any
4 lands within the county or the municipality, as the case may be,
5 upon such terms as shall be agreed upon with the owner of such
6 lands, if the use of such rights is no longer desirable, necessary or
7 required for public purposes. After the adoption of the resolution
8 or ordinance and compliance by the owner of said lands with the
9 terms thereof, said lands shall be free, clear and entirely dis-
10 charged of and from such rights of the public and of the county or
11 municipality, as the case may be, but no such release shall affect
12 the right of lawful occupancy or use of any such lands by any
13 municipal or private public utility to occupy or use any such lands
14 lawfully occupied or used by it.

15 Source: R. S. 40:60-36; C. 40:60-38.1 (1964, c. 109).

1 20. Exchanges of certain lands; exceptions. The governing body
2 of any county, by resolution, or any municipality, by ordinance,
3 may exchange any lands or any rights or interests therein owned
4 by the county or municipality, except lands used for public high-
5 ways or places, for other lands desired for public use. The county
6 or municipality may exact and receive a cash consideration in addi-
7 tion to such other lands when such exchange shall be authorized,
8 and such governing body determines that the lands to be conveyed
9 to such county or municipality or such lands and the cash considera-

10 tion to be paid are at least of equal value to, and their acquisition
11 is more advantageous to, the county or municipality for public use,
12 than the lands to be conveyed by the county or municipality, and
13 that it is in the public interest that such exchange of lands be
14 consummated. Any prior dedication or determination for use for
15 park purposes of such land or any part thereof, shall not preclude
16 an exchange thereof under this section but where the lands to be
17 exchanged by a municipality are lands that have been dedicated
18 and determined for use for park purposes, the lands received in
19 exchange therefor by the municipality shall be used for the same
20 purposes.

21 Source: C. 40:60-51.1 (1942, c. 199 amended 1946, c. 157; 1958,
22 c. 160); C. 40:60-51.3 (1944, c. 77); C. 40:60-51.4 (1944, c. 77).

1 21. Application of proceeds of disposition of lands. When any
2 county or municipality shall dispose of lands not acquired at a tax
3 sale, having issued bonds to finance the purchase thereof, and at
4 the time of such disposal any of said bonds are outstanding, the
5 whole proceeds of such disposal or, so much thereof as shall be
6 necessary shall be used for the liquidation of such bonds. Payment
7 of such bonds may be made at or prior to maturity on cancellation.
8 Source: R. S. 40:60-31.

1 22. Sales or transfers to United States, State or any political sub-
2 division thereof or county park commission. Any county or munici-
3 pality may transfer at private sale or transfer, any real estate or
4 any right or interest therein not needed for public use by the county
5 or municipality to the United States Government, the State of New
6 Jersey or any political subdivision thereof, or to the county park
7 commission in the county, without compliance with any other law
8 governing disposals of lands by counties or municipalities. Any
9 such transfer may be made by private sale or other transfer.
10 Source: R. S. 40:32-9; 40:60-29; 40:60-37.

1 23. Conveyance of lands for public educational purposes. When
2 the governing body of a county or municipality shall determine by
3 resolution that all or any part of a tract of land improved or un-
4 improved is no longer needed for public purposes, the governing
5 body may authorize the conveyance of such lands or any portion
6 thereof to the State when so requested or approved by resolution
7 of the State Board of Education or State Board of Higher Educa-
8 tion or to any board of education in the county or municipality or
9 to a regional board of education of a regional school district or to
10 a consolidated board of education of a consolidated school district
11 in the county or of which the municipality is a constituent part,

12 requesting or approving such conveyance by resolution, for a
13 nominal consideration, to be used by the State for educational pur-
14 poses or for public purposes, connected with the district board of
15 education or the regional board of education or the consolidated
16 board of education, and may cause the same to be duly conveyed by
17 its proper officers accordingly. A prior dedication or use for park
18 purposes of such land or any part thereof shall not be deemed to
19 preclude a transfer and conveyance thereof under the provisions
20 of this section.

21 Source: R. S. 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3,
22 s. 1; 1961, c. 96, s. 1); 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96,
23 s. 2).

1 24. Reconveyance of land limited to educational purposes.
2 Whenever the governing body of any county or municipality, to
3 which there has been conveyed land to be used for educational pur-
4 poses without the payment of any consideration therefor, shall, by
5 resolution,

6 (a) Determine that said land cannot be used advantageously
7 for the purposes for which the same were conveyed to the
8 county or municipality,

9 (b) Authorize the conveyance of the interest of the county
10 or municipality in said land to the person by whom the same
11 were conveyed to the county or municipality, upon payment of
12 a consideration equal to the fair market value of said interest
13 therein, and

14 (c) Fix such consideration,
15 the said lands shall be reconveyed accordingly upon payment of
16 said consideration.

17 Source: C. 40:60-27.4 (1950, c. 7).

1 25. Private sales to certain organizations upon nominal consid-
2 eration. When the governing body of any county or municipality
3 shall determine that all or any part of a tract of land, with or with-
4 out improvements, owned by the county or municipality, is not then
5 needed for county or municipal purposes, as the case may be, said
6 governing body, by resolution, may authorize a private sale and
7 conveyance of the same, or any part thereof without compliance
8 with any other law governing disposal of lands by counties and
9 municipalities for a consideration, which may be nominal, upon any
10 terms, conditions and limitations, which said governing body shall
11 deem advisable, in addition to those required in the cases herein-
12 after set forth, to

13 (a) A duly incorporated volunteer fire company or first aid and
14 emergency or volunteer ambulance or rescue squad association of

15 a municipality within the county, in the case of a county, or of the
16 municipality, in the case of a municipality, for the construction
17 thereon of a firehouse or fire school or a first aid and emergency
18 or volunteer ambulance or rescue squad building or for the use of
19 any existing building for any or all of said purposes and any such
20 land or building sold to any duly incorporated volunteer fire com-
21 pany may be leased by such fire company to any volunteer firemen's
22 association for the use thereof for fire school purposes for the
23 benefit of the members of such association, or

24 (b) Any nationally chartered organization or association of vet-
25 erans of any war, in which the United States has or shall have been
26 engaged, by a conveyance for a consideration, other than nominal
27 as above provided, in lieu of which, may be an agreement by the
28 organization or association to render service or provide facilities
29 for the general public of the county or municipality, of a kind which
30 the county or municipality may furnish to its citizens and to the
31 general public and containing a limitation that such lands or build-
32 ings shall be used only for the purposes of such organization or
33 association, and to render such services or to provide such facilities
34 as may be agreed upon, and not for commercial business trade or
35 manufacture, and that if said lands or buildings are not used in
36 accordance with said limitation, title thereto shall revert to the
37 county or municipality without any entry or re-entry made thereon
38 on behalf of such county or municipality, or

39 (c) Any duly incorporated nonprofit hospital association for the
40 construction or maintenance thereon of a general hospital by a
41 conveyance containing a limitation that if said land shall cease to
42 be used for said purposes, title thereto shall revert to the county or
43 municipality without any entry or re-entry made thereon on behalf
44 of such county or municipality, or

45 (d) Any paraplegic veteran, that is to say, any officer, soldier,
46 sailor, marine, nurse or other person, regularly enlisted or inducted,
47 who was or shall have been in the active military or naval forces
48 of the United States in any war in which the United States was
49 engaged, and who, at the time he was commissioned, enlisted, in-
50 ducted, appointed or mustered into such military or naval service,
51 was a resident of and who continues to reside in this State, who is
52 suffering from paraplegia and has permanent paralysis of both
53 legs or the lower parts of the body resulting from injuries sus-
54 tained through enemy action or accident while in such active mili-
55 tary or naval service, for the construction of a home to domicile
56 him, or to any organization or association of veterans, for the
57 construction of a home or homes to domicile paraplegic veterans,

58 with power to convey said lands and premises to the paraplegic
59 veteran or veterans on whose behalf said organization or associa-
60 tion shall acquire title to said lands.

61 Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87,
62 amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949,
63 c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61,
64 s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75,
65 s. 2); C. 40:60-51.6 (1957, c. 148).

1 26. Display of flags on county and municipal buildings. The
2 governing bodies of the respective counties and municipalities shall
3 procure United States flags, flagstuffs and the appliances therefor
4 for their particular county courthouse and the municipal buildings
5 and shall display the flags upon or near said county courthouses
6 and buildings during business hours and at such other times as the
7 governing bodies may deem proper.

8 Source: R. S. 40:9-4.

1 27. Rental of lands and bulidings or portions thereof not needed
2 for public use; portions of buildings; rental. Every county or
3 municipality may lease for fixed and upon prescribed terms and
4 for private purposes any of the land or buildings or any part
5 thereof not presently needed for public use to the person who will
6 pay the highest rent therefor. The use by the lessee shall be of such
7 character as not to be detrimental to the building or the use of the
8 building or the use of the unleased part of the building.

9 Source: R. S. 40:32-12; 40:60-42.

1 28. Use of public building by counties and municipalities. Each
2 county may authorize any municipality in the county to use, for
3 municipal purposes, a portion of any county building and any
4 municipality may permit the county in which it is located to use for
5 county purposes a portion of any municipal building, not needed
6 for the purposes of the county or the municipality, as the case may
7 be, upon such terms as shall be agreed upon by the governing bodies
8 of the county and the municipality.

9 Source: R. S. 40:32-11.

1 29. Devotion of lands to other purposes. Any county or munici-
2 pality having acquired land or any estate or interest therein, which
3 land or estate or interest shall have become unsuited or inconvenient
4 for the use for which it was acquired, may, at any time convert a
5 portion or the whole thereof to any other public use unless other-
6 wise provided by law.

7 Source: R. S. 40:32-10, amended 1953, c. 119; 40:60-37; 40:60-38.

1 30. No liability for injuries to persons from use of grounds,
2 buildings or structures. No county or municipality shall be liable

3 for injury to the person from the use of any public grounds, build-
4 ings or structures, any law to the contrary notwithstanding.

5 Source: R. S. 40:9-2.

1 31. Lease of above surface and subsurface areas of lands. Any
2 county or municipality owning lands therein which has an area
3 above or below the surface of the ground not required for the use of
4 the county or municipality, may lease such area by private negotia-
5 tion for a term not exceeding 99 years upon such terms and condi-
6 tions as shall be consistent with the use of the part of such lands
7 retained by the county or municipality or by the State if parts of the
8 lands were conveyed to the county or municipality by the State. Any
9 such lease shall be provided for by resolution of the governing body.

10 Source: R. S. 40:176-1.

1 32. Terms, conditions, plans and specifications. In any lease
2 under the preceding section, the governing body according to their
3 discretion, may fix the annual rental, the terms and conditions,
4 including limitations of the use of the building. Full and detailed
5 plans and specifications of a building, if any, to be erected shall be
6 shown.

7 Source: R. S. 40:176-2.

1 33. County or municipal buildings, equipment and services made
2 available to certain organizations benefiting mentally retarded or
3 mentally ill persons. Any county or municipality may authorize
4 the use of space, rooms or offices in any building owned or controlled
5 by such county or municipality, with or without the payment of
6 rent, by any county mental health association or any nonprofit
7 organization whose services are nonsectarian, incorporated under
8 the laws of this State, for the purpose of conducting a day-care
9 center or school for mentally-retarded or mentally-ill persons or
10 by any private or nonprofit organization in the county, incorporated
11 under the laws of this State, whose services are nonsectarian, pro-
12 viding aid or assistance to mentally-retarded or mentally-ill per-
13 sons. Any such authorization may be made in the form of a lease,
14 under such terms, conditions and regulations as the governing body
15 shall determine. Any such authorization or lease may include the
16 right to use furniture and equipment of the county or municipality
17 and such services and utilities as shall be available.

18 Source: C. 40:32-20 (1958, c. 87 amended 1960, c. 185, s. 2; 1963,
19 c. 188, s. 2).

1 34. Leases to certain organizations upon nominal or other rentals.
2 Any county or municipality may lease for such periods of time and
3 at nominal or other rentals, and upon such terms, conditions and
4 limitations, if any, as the governing body, by resolution, may

5 determine, any real estate or space in any building owned or con-
6 trolled by such county or municipality which is not required for
7 county or municipal purposes to

8 (a) Any incorporated historical society in the county or
9 municipality;

10 (b) Any organization of veterans of any war in which the
11 United States has or shall have been engaged;

12 (c) Any association organized for the education and treat-
13 ment of cerebral palsy patients in the county or municipality,
14 including the education and treatment of county or municipal
15 indigent patients, upon a nonprofit or charitable basis, and may
16 authorize the construction and maintenance of a treatment
17 center and office building;

18 (d) Any nonprofit organization or association having for
19 its purposes the promotion of the health, safety, morals and
20 general welfare of the community;

21-32 (e) Any duly incorporated fire company or first-aid and
33 emergency or volunteer ambulance or rescue squad association
34 or any duly incorporated association of exempt firemen of any
35 municipality or fire district, within the county; or

36 (f) Any nonprofit organization organized for the purpose
37 of maintaining a shelter for persons aged ****[65]** **62 and**
38 **over****, while used for the purpose of such organizations and
39 not for commercial business, trade or manufacturing.

40 Source: R. S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34); R. S.
41 40:60-43, amended 1962, c. 132; 1964, c. 110); R. S. 40:60-44;
42 40:60-45; C. 40:60-45.1 (1940, c. 145); C. 40:60-45.2 (1947, c. 316);
43 C. 40:60-45.3 (1950, c. 184 amended 1951, c. 132, s. 2; 1955, c. 130;
44 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1); C. 40:60-45.4 (1954,
45 c. 184 amended 1966, c. 35); C. 40:60-45.5 (1965, c. 228); C.
46 40:60-51.11 (1964, c. 71).

COUNTIES, COUNTY PARK COMMISSIONS AND MUNICIPALITIES

1 35. Use of lands for training grounds and improvement thereof
2 for firemen. Any county, county park commission or municipality
3 by resolution may make available any lands owned or controlled
4 by said county, county park commission or municipality, which are
5 not then needed for other public purposes, for use as training
6 grounds for a paid, part-paid or volunteer fire company of the
7 county, county park commission, municipality or fire district in
8 such county or any adjoining county. The governing body from
9 time to time may raise, appropriate and expend such sums of money
10 as they may deem expedient for improving the said lands for
11 training purposes, including installation of water mains and

12 hydrants, and the construction of drill towers and training equip-
 13 ment, for use in the instruction of fire companies in the latest
 14 methods, procedures and techniques of fire fighting, and in testing
 15 apparatus and equipment.

16 Source: C. 40:32-13.1 (1954, c. 18); C. 40:32-13.2 (1954, c. 18).

COUNTIES

1 36. Lease of space in county buildings; legal aid association or
 2 societies. Any county may lease for a nominal or other rental to
 3 any legal aid association or society, incorporated under the laws
 4 of this State, the use of certain designated space in any building
 5 owned or controlled by the county, together with the right to use
 6 furniture and equipment and such services as shall be made avail-
 7 able as an incident to the use of such space.

8 Source: C. 40:23-6.21 (1950, c. 194).

CITIES, FIRST AND SECOND CLASS

1 37. Lease of lands or buildings; terms. Every city of the first
 2 or second class may lease to any person land or building of the
 3 city not needed for public use for a fixed term not exceeding ***[50]***
 4 *99* years without compliance with any other law governing dis-
 5 posal of lands by municipalities.

6 Source: R. S. 40:176-11; 40:176-12.

1 38. Statutes repealed. The following sections, chapters and acts,
 2 together with all amendments and supplements thereto are hereby
 3 repealed:

4 Sections 40:9-1; 40:9-2; 40:9-4; 40:32-1; 40:32-2; 40:32-3;
 5 40:32-5; 40:32-7; 40:32-8; 40:32-9; 40:32-10; 40:32-11; 40:32-12;
 6 40:32-13; 40:32-20; 40:60-1; 40:60-2; 40:60-3; 40:60-4; 40:60-5;
 7 40:60-6; 40:60-7; 40:60-8; 40:60-9; 40:60-26; 40:60-27; 40:60-29;
 8 40:60-30; 40:60-31; 40:60-36; 40:60-37; 40:60-38; 40:60-39;
 9 40:60-40; 40:60-42; 40:60-43; 40:60-44; 40:60-45; 40:176-1;
 10 40:176-2; 40:176-11; 40:176-12 of the Revised Statutes;

11 Laws of 1940, c. 145 (C. 40:60-45.1);

12 Laws of 1942, c. 199 (C. 40:60-51.1);

13 Laws of 1942, c. 262 (C. 40:32-9.1—C. 40:32-9.2);

14 Laws of 1944, c. 77 (C. 40:60-51.3—C. 40:60-51.4);

15 Laws of 1947, c. 87 (C. 40:60-40.1);

16 Laws of 1947, c. 316 (C. 40:60-45.2);

17 Laws of 1948, c. 246 (C. 40:60-40.2—C. 40:60-40.3);

18 Laws of 1949, c. 61 (C. 40:60-40.4);

19 Laws of 1949, c. 153 (C. 40:60-27.3);

20 Laws of 1950, c. 7 (C. 40:60-27.4);

21 Laws of 1950, c. 184 (C. 40:60-45.3);

22 Laws of 1950, c. 194 (C. 40:23-6.21);

- 23 Laws of 1954, c. 18 (C. 40:32-13.1—C. 40:32-13.2);
- 24 Laws of 1954, c. 143 (C. 40:60-40.5);
- 25 Laws of 1954, c. 184 (C. 40:60-45.4);
- 26 Laws of 1957, c. 148 (C. 40:60-51.6);
- 27 Laws of 1960, c. 34 (C. 40:32-13.3);
- 28 Laws of 1964, c. 71 (C. 40:60-51.11);
- 29 Laws of 1964, c. 109 (C. 40:60-38.1);
- 30 Laws of 1965, c. 228 (C. 40:60-45.5).
- 1 39. Effective date. This act shall take effect January 1, 1970.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 17, 1969

SENATE BILL NO. 283

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 283, with my objections, for reconsideration.

Senate Bill No. 283 is a revision of those portions of Title 40 affecting the manner in which counties and municipalities may buy and sell interests in lands and buildings. As a revision, its purpose is to simplify the existing law and remove from the present body of the law anachronisms and inconsistencies. It is a companion to two other measures also presently before me, Senate Bills No. 282 and 284. It deals with a varied number of topics.

As a revision, it also deals with those dry and dreary areas of the law that fail to excite the public imagination or stir continued interest. Nonetheless, these three bills deal with the very bases of the day-to-day operations of government. In 1967, municipalities alone spent almost \$100 million for capital improvements and debt service. Counties spent over \$42 million. Much of this money was spent under the terms of the act which Senate Bill No. 283 revises.

I have therefore paid very close and scrupulous attention to both the details and the concepts of the bill. After full consideration of its terms, I recommend extensive revisions in the language of Senate Bill No. 283, some of them technical, some going to the very core of public purchasing policy. I have made similar recommendations with regard to Senate Bill No. 284. In summary, they may be stated as follows.

-- First, it is my recommendation that the number of private transactions not subject to public bidding be severely limited. While it is true that there cannot be competitive bidding as regards purchases of land or capital improvements because of their

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unique nature and location, most sales of public lands or improvements should be fully revealed to public scrutiny by public sale. Moreover, counties and municipalities should receive the benefits that usually arise from competitive bidding.

-- Second, even in the area of county and municipal purchases of land, standards can be established which ensure that the public will receive its money's worth and that favoritism on the part of public officials is limited or eliminated. In particular, I have long been struck by the disparity which often appears between the value of land when assessed for tax purposes and its value when purchased by a public agency. The contrast is all the more striking, since both standards are meant to reflect the real market value of the property. Either the public agency is paying too much for the land it is buying, or the property in question has benefited from underassessment and a "tax break" at the expense of the municipality's other homeowners. Indeed, there may be instances in which there has been favoritism in determining the assessed value for tax purposes, a favoritism which may be compounded by the subsequent purchase of the property by the county or municipality at an inflated price. It seems to me that our local taxpayers will be better served by a requirement that either the land not be purchased at a price higher than its assessed value, or that the owner should pay his fair share of back taxes which would have been paid if the land had been properly assessed at its true market value. I have therefore recommended changes to that effect in both Title 40 and Title 20.

-- Third, I have added a strong conflicts of interest provision. No public official should benefit from his interest or ownership, direct or indirect, in any lands or buildings which the county or municipality may choose to buy or sell.

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-- Fourth, instead of simply "donating", in effect, county and municipal lands to public purpose non-profit corporations, long-term leases should be used. From their viewpoint, such a lease allows for adequate capital financing, since most mortgages would expire long before the lease. From the public viewpoint, leases allow the county or municipality to reconsider, from time to time, whether the best interests of the locality continue to be served by the lease. Times change and so do public needs. In addition, outright conveyances of land often go astray, as when a local hospital moves to another area, leaving a limited or inadequate facility behind to service the city's needs -- or worse, when some way is found to sell the land. Nonetheless, when the public interest is strong enough to warrant an outright conveyance, the governing body is given the option of granting title, but subject to voter approval by referendum. These changes appear both sensible and necessary in light of Article VIII, Section 3, Paragraphs 2 and 3 of the Constitution. Roe v. Kervick, 42 N.J. 193 (1964), decided since many of the statutes being revised by Senate Bill No. 283 were enacted, casts a shadow over some of them, which should be dispelled by adoption of the changes I have proposed.

-- Fifth, I have included in the definition of real property what are commonly known as "air rights". Counties and municipalities have, without a clear statutory basis, already sold "aerial easements" on some occasions. Other interest in the space over real property are possible too, however, and local government should have a clear basis for buying or selling them. Housing over roads or schools, businesses over municipal parking lots, roads over factories, are all possibilities that should be explored in a State as crowded as ours.

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-- Finally, I have tried to carry forward the spirit of the revision by eliminating as many special or specific authorizations for county and municipal acquisition or sale of lands and buildings. In their stead, I have inserted general authorizations for purchases or sales, to be tested against a common standard of whether they serve a public purpose. It is to be hoped that both the courts, counties and the municipalities will interpret this language broadly so as to forestall the need for the endless list of amendments, bills and counter-amendments that are introduced each year for narrow and often conflicting purposes.

It is similarly hoped that the draftsmen of this bill will continue their efforts in related areas which are not covered by Senate Bill No. 283. There is no reason apparent to me why park commissions, county or municipal authorities and similar agencies should not be made subject either to the terms of this act or to similar provisions. For the time being, however, I recommend the following changes:

1. Page 1, Section 2, Lines 1 to 11: Delete the present language and insert in lieu thereof the following:
 2. Definitions. The following words shall have the following meanings, unless the context clearly indicates the contrary:
 - (a) "Acquire" shall include acquisition by gift, devise, purchase, lease or condemnation unless otherwise indicated.
 - (b) "Buildings" shall include any building or buildings and any structures, improvements, ingress or egress, grounds or plazas, necessary and incidental to the purpose of the building and the safety, comfort and wellbeing of its occupants.
 - (c) "Capital improvements" shall include, in addition to buildings, any structures, fixtures, edifices, byways, parking lots, service facilities, and any other facility necessary and incidental to the lawful performance of any function of a county or municipality.

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- (d) "County" means any county of this State of whatever class.
- (e) "Municipality" means any town, township, borough, village or city of whatever class heretofore or hereafter created under general or special charter.
- (f) "Personal property" shall mean any personal property necessary and incidental to the furnishing, refurbishing or refurbishing of a building.
- (g) "Real property" shall include, in addition to the usual connotations thereof, any right, interest or estate in the area extending above any real property, or capital improvement thereon, to such a height or altitude as any title, interest or estate in real property may extend, commonly known as "air rights".
- (h) "Resolution" or "ordinance" when used in connection with the action of a county or municipality means a resolution or ordinance adopted by the governing body of the county or municipality. In any case in which a resolution or ordinance authorizing the expenditure of public moneys is required to be approved by any other board, body or commission of the State, county or municipality, "resolution" or "ordinance" shall mean also adopted or approved by the board, body or commission authorized to take such action on behalf of the State, county or municipality.
- (i) "Sale" shall include the conveyance of any estate, interest, easement or title to, or the waiver, release, or modification of any conditions, restrictions or limitations on any real property, capital improvement or personal property of the county or municipality, but shall not include any lease or exchange of such property.

2. Page 1, Section 3, Lines 1 to 10: Delete the present language and insert in lieu thereof the following:

ACQUISITION

3. Acquisition of Lands and Buildings.

- (a) Any county or municipality may acquire, construct and maintain such buildings or other capital improvements as may be necessary and suitable for the performance of its functions, the accommodation of the courts required to be held in the county or municipality, the conduct of public

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business and the use of the county and municipal departments, officers, boards, commissions and agencies in charge of institutions and facilities and any other county or municipal public purposes, and from time to time as necessary, repair, alter, enlarge, rebuild, furnish, refurnish, refurbish or rehabilitate such buildings.

- (b) Any county or municipality may acquire the necessary land for the construction thereon of buildings or other capital improvements or additions thereto and for suitable surrounding grounds and parking facilities to be used in connection therewith. Any such buildings, capital improvements or facilities may be constructed and maintained upon real property acquired by the county or municipality.
- (c) A county or municipality may furnish and equip such buildings, improvements and facilities for the proper use thereof and may from time to time as may be necessary, repair and replace the furnishings and equipment thereof.

Source: R.S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40:60-6, amended 1954, c. 39.

3. Page 2, Section 4, Lines 1 to 18: Delete the present language and insert in lieu thereof the following:

- 4. Further Acquisitions Authorized. Any county or municipality may acquire:
 - (a) Any real property, capital improvement, personal property or any interest or estate whatsoever therein, including easements, water, water power, or water rights, either within or without the county or municipality, or
 - (b) Any outstanding easement, right or interest in any real property, capital improvement or personal property previously acquired by the county or municipality which the governing body shall determine to be necessary or useful for the proper exercise of any power conferred or duty imposed upon the county or municipality by this or any other law; but this section shall not operate, or be construed, to repeal or supersede any law requiring the consent of any other county or municipality, or any state authority, department, agency or commission for the acquisition of any such property.

Source: R.S. 40:32-2; 40:60-2.

4. Page 2, Section 5, Lines 1 to 23: Delete the present language and insert in lieu thereof the following:

- 5. Additional Powers. Any county, by resolution, or any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property, other than by condemnation:

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- (a) By purchase, gift, devise, lease, exchange, or condemnation;
- (b) Subject to lawful conditions, restrictions or limitations as to its use by the county or municipality, provided the governing body accepts such lawful conditions, restrictions or limitations. When any county or municipality shall have acquired any real property, capital improvement or personal property upon any lawful condition, restriction or limitation, it is hereby authorized to take such steps as may be necessary and proper to the compliance by the county or municipality with such lawful conditions, restrictions or limitations;
- (c) Whenever the governing body of any county or municipality to which there has been conveyed any real property, capital improvement, or personal property subject to such lawful conditions, restrictions or limitations shall by ordinance, in the case of a municipality, and by resolution, in the case of a county, determine that said real property, capital improvement or personal property can no longer be used advantageously for the purposes for which the same were acquired by the county or municipality, said county or municipality may, by ordinance or resolution, authorize the sale or exchange pursuant to Section 15 of this act of the interest of the county or municipality in said real property, capital improvement or personal property to the person from whom the same was acquired;
- (d) Whether the acquisition of any real property is by lease, purchase, or exchange, the governing body may require the construction or repair of any capital improvement as a condition of acquisition.

Any county or municipality having acquired any real property, capital improvement or personal property or any estate or interest therein, which acquisition or estate or interest shall have become unsuited or inconvenient for the use for which it was acquired, may, at any time convert a portion or the whole thereof to any other public use unless otherwise provided by law or by the terms of acquisition.

Source: R.S. 40:32-2; 40:60-2; C. 40:60-27.4 (1950, c. 7);
R.S. 40:32-10, amended 1953, Chapter 119; 40:60-37;
40:60-38; 40:60-9.

5. Page 3, Section 6, Lines 1 to 19: Delete the present language and insert in lieu thereof the following:

- 6. Authorization to incur indebtedness and make appropriations.
 - (a) Whenever, pursuant to law, a county or municipality is authorized to acquire or improve any real property or capital improvement, or both, or any personal property;

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the county or municipality may provide for the payment of the cost of such acquisition or improvement, or both, in whole or in part, by the incurring of indebtedness and issuance of bonds in accordance with the "Local Bond Law," (Chapter 2 of Title 40A of the New Jersey Statutes) or by having provided an appropriation in the annual budget for the purpose, pursuant to the provisions of the "Local Budget Law," (Chapter 4 of Title 40A of the New Jersey Statutes).

- (b) Whenever, pursuant to law, a county or municipality is authorized to maintain or operate any real property, capital improvement, or personal property, or any facility, the county or municipality may provide for the payment of the cost of such maintenance or operation, or both, by budget appropriation in the manner provided by law, any sums obtained from earnings of such property or facility, if any, or from any other lawful revenue source, pursuant to the provisions of the "Local Budget Law" (Chapter 4 of Title 40A of the New Jersey Statutes).

6. Page 3, Section 7, Lines 1 to 16: Delete the present language and insert in lieu thereof the following:

7. Subsequent acquisition of outstanding interests. Any county or municipality having acquired any real property, capital improvement or personal property or any estate or interest therein subject to any lawful conditions, restrictions or limitations upon its use may subsequently acquire such outstanding interest.

In any case in which a county or municipality seeks to acquire such interest or estate by purchase or condemnation, the amount to be paid to the owner of the reversionary or other private right or estate or expectancy shall be the value of such right, subject to the continued use of the property for the purpose or purposes for which it was acquired by the county or municipality.

Source: R.S. 40:60-38.

7. Pages 3 and 4, Section 8, Lines 1 to 9: Delete the present language and insert in lieu thereof the following:

8. Procedure for Acquisition. A county or municipality may acquire any real property, capital improvement or personal property only in accordance with the provisions of this act and only in the manner provided by this section.

- (a) In the case of an acquisition by gift or devise, a county or municipality shall only accept title to such gift or devise by an ordinance in the case of a municipality, or by resolution, in the case of a

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county, setting out therein (1) the use or purpose to which the acquisition by gift or devise shall be applied, and (2) the name of the donor or deviser, and (3) any conditions, restrictions or limitations imposed upon, or estate or interest retained in the acquisition, and the acceptance by the governing body of said limitations or conditions, and (4) an estimate by the fiscal officer of the municipality of the present and foreseeable benefits and costs, and the net benefit or cost of the acquisition to the county or municipality in operating revenues or expenses, maintenance, depreciation or other costs, including potential tax revenues.

- (b) In the case of an acquisition by purchase or lease, a county or municipality shall make such acquisition by an ordinance, in the case of a municipality, or by resolution, in the case of a county, setting out therein (1) the use or purpose to which the acquisition shall be put or applied, and (2) the name of the vendor or lessor, and (3) any conditions, restrictions or limitations imposed on, or estate or interest retained in the acquisition, and the acceptance by the governing body of said conditions or limitations, and (4) the price to be paid by the county or municipality. In such a case, the county or municipality shall determine the price to be paid at an amount not in excess of the "full and fair value" of the real property or capital improvement, as determined by the assessor of the municipality in which the real property or capital improvement is located for the then current tax year pursuant to Section 54:4-23 of the Revised Statutes. In making a determination of the "full and fair value" pursuant to this section a county or municipality may, in any case where the real property or capital improvement to be purchased or leased is less than a full parcel, apportion the value of the property on a pro-rata basis, and the value of a lease by capitalization.

A county or municipality may determine and pay a higher price upon agreement by the vendor or lessor to pay to the collector of taxes in the municipality in which the real property or capital improvement is located, the difference between the real property taxes paid on the land or other property and the amount which would have been payable had the value of the real or other property been determined at the amount to be paid by the county or municipality and entered as the "full and fair value" determined by the assessor pursuant to Section 54:4-23 of the Revised Statutes for each of the 10 preceding tax years; and such back taxes due and payable as so recomputed are paid pursuant to the provisions of Chapter 4 of Title 54 of the Revised Statutes.

- (c) In the case of acquisition by condemnation, the acquisition shall be made in the manner provided by Title 20 of the Revised Statutes.

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- (d) Section 20:1-9 of the Revised Statutes is amended to read as follows:

20:1-9. The commissioners shall take and subscribe an oath faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding. Thereafter they shall meet at the time and place appointed and proceed to view and examine the land or other property and make a just and equitable appraisal of the value of the same, and an assessment of the amount to be paid by the petitioner for the land or other property and damage as aforesaid, as of the date of the commencement of the act for condemnation or, if the land or other property is being acquired in connection with development or redemption of a blighted area, then in that event, the value of any property sought to be acquired shall be fixed and deemed to be no less than the value as of the date of the declaration of blight by the governing body upon a report by a planning board.

In the event that the commissioners shall determine upon the evidence before them a value of any land or other property, in excess of the "full and fair value" or, in the case of a partial taking, the pro-rata share of the "full and fair value" of any parcel, determined by the assessor of the municipality in which the land or other property is located for the then current tax year pursuant to Section 54:4-23 of the Revised Statutes, the commissioners shall deduct from the award an amount equal to the difference between the real property taxes paid on the real or other property and the amount which would have been payable had the value determined by the commissioners been used by the assessor as the "full and fair value" of the land or other property pursuant to Section 54:4-23 of the Revised Statutes for each of the preceding 10 tax years. For purposes of this computation, the commissioners may take into account any increase or decrease in value as they have determined it during the period in question, or may assume a constant ratio between the "full and fair value" as determined by the assessor and the value determined by the commissioners. The commissioners shall then direct that the amount determined pursuant to this paragraph be paid to the collector of taxes of the municipality in which the land or other property is located along with such interest or costs as shall be payable pursuant to Chapter 4 of Title 54 of the Revised Statutes.

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8. Page 4, Section 9, Line 16: Delete the phrase "an inheritance or estate" and insert in lieu thereof the word "any".

9. Page 4, Section 9, Line 18: Delete the phrase "a transfer inheritance or estate" and insert in lieu thereof the word "any".

10. Page 4, Section 9, Line 19: Delete the phrase "subtitle 5 of".

11. Page 4, Section 9, Lines 25 and 26: Delete the phrase "transfer inheritance or estate".

12. Page 4, Section 9, Lines 30 and 31: Delete the phrase "transfer inheritance or estate".

13. Page 5, Section 11, Lines 1 to 6: Delete the present language and insert in lieu thereof the following:

11. Joint purchase of lands and construction of buildings or other capital improvements for joint use. Any county or municipality therein may acquire land and construct thereon a building or buildings or other capital improvements for their joint use. Title thereto shall be taken in the manner and their respective uses provided by agreement between the governing bodies of the county and municipality. The expense of acquisition of such land and the construction of a building or buildings or other capital improvements and of the maintenance thereof shall be divided between the county and municipality in such manner as the governing bodies shall agree upon.

Source: R.S. 40:32-5.

14. Page 5, Section 12, Lines 1 to 10: Delete the present language and insert in lieu thereof the following:

12. Temporary quarters. Any county or municipality may lease, temporarily, any suitable building, when needed by reason of the destruction, alteration, repairing or inadequacy of any county or municipal building, but no lease under this section shall extend beyond the period reasonably necessary for the alteration, repair or construction of an adequate county or municipal building.

Source: R.S. 40:60-7.

15. Page 5, Between Section 12, Line 10 and Section 13, Line 1: Delete the heading "MUNICIPALITIES".

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16. Page 5, Section 13, Lines 1 to 6: Delete the present language and insert in lieu thereof the following:

13. Early land acquisition. Any county, by resolution, or municipality, by ordinance, may acquire real property and any estate or interest therein, including a lease with option to purchase, which the governing body shall determine will be necessary or useful for the proper exercise of any power conferred upon the county or municipality by this or any other law, notwithstanding that the county or municipality will not make use of such estate or interest for a period not exceeding ten years if:

- (a) In the case of a county or municipality, (1) the county or municipality has adopted a capital budget pursuant to NJS 40A:4-43 to 45 which shall include a program or project for the expenditure of public funds for capital purposes requiring, or likely requiring, the acquisition of such real property, and (2) the proposed use for which the real property may be acquired is in conformity with both the zoning ordinance and master plan of the municipality, where such have been adopted, and
- (b) In the case of a county, the county shall enter into an agreement for payments in lieu of taxes with the municipality, in which case said payments shall not be less than the aggregate amount paid by all real property acquired by the county at the time of acquisition. Said agreement may be limited to the period during which the county has not initiated the program or project of expenditure of public funds for capital purposes adopted pursuant to its capital budget.

During the period prior to the initiation of a program or project for the expenditure of public funds for capital purposes pursuant to the capital budget of the county or municipality, the county or municipality shall have all the powers and duties of a private person for purposes of collection of rents, fees, service charges and the provision of safe, decent and sanitary housing, Section 28 to the contrary notwithstanding. Housing facilities in being at the time of acquisition shall be operated, maintained and improved by the county or municipality, or where the county or municipality so elects, by a county or municipal housing authority created pursuant to the Local Housing Authorities Law, (P.L. 1938, c. 19).

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17. Page 5, Section 14, Line 2: Insert after the word "a" and before the word "municipality" the phrase "county, by resolution, or" and insert after the word "municipality" and before the word "determines" the phrase ", by ordinance," and after the word "that" and before the word "property" insert the phrase "any real".

18. Page 5, Section 14, Line 4: Insert after the word "the" and before the word "municipality" the phrase "county or".

19. Page 5, Section 14, Line 5: After the word "State" and before the word "Title" delete the "." and insert in lieu thereof a ",".

20. Page 5, Section 14, Lines 5 and 6: Delete the phrase "Title thereto may be acquired" and insert after the word "the" and before the word "municipality" the phrase "county or".

21. Page 5, Section 14, Line 7: After the word "the" and before the word "municipality" insert the phrase "county or".

22. Page 5, Section 14, Line 8: Delete "Source: R.S. 40:60-4." and insert in lieu thereof the following two paragraphs:

- (a) The governing body of a county or municipality acquiring real property pursuant to this section, or which has acquired real property pursuant to Section 40:60-4 of the Revised Statutes, shall annually file with the Division of Local Finance in the Department of Community Affairs a resolution indicating the location of the property acquired pursuant to this section, its cost, the real parties in interest from whom the real property was purchased; the cost of operating or maintaining any improvements or facilities thereon (including taxes); and the purpose for which it was purchased.
- (b) In any case in which real property has been acquired pursuant to this section, and is determined by a county, by resolution or a municipality, by ordinance, to no longer be necessary to the beneficial use of property in this state, said property shall be sold pursuant to the provisions of Section 15 of this act. Such a determination shall be made in any case in which the real property in this state owned by the county or municipality, for whose beneficial use of which the real property located in the foreign state is purchased, shall have been sold or exchanged by the county or municipality.

Source: R.S. 40:60-4.

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23. Page 5, Between Section 14, Line 8 and Section 15, Line 1: Delete the heading "COUNTIES AND MUNICIPALITIES" and insert in lieu thereof the heading "SALE, LEASE OR EXCHANGE".

24. Page 5, Section 15, Line 1: Delete the phrase "lands or buildings" and insert in lieu thereof the phrase "real property, capital improvements or personal property".

25. Page 5, Section 15, Line 2: Delete the phrase "lands or buildings" and insert in lieu thereof the phrase "real property, capital improvements or personal property".

26. Page 6, Section 15, Lines 4 and 5: On Line 4, after the word "than" and before the word "municipal" insert the phrase "county or"; and on Lines 4 and 5, delete the phrase "used for public highways or places or for park purposes" and insert in lieu thereof the phrase "real property otherwise dedicated or restricted pursuant to law,".

27. Page 6, Section 15(a), Line 13: Add after the word "price," the phrase "or prices,".

28. Page 6, Section 15(a), Line 20: After the word "rejected." and before the word "Such" insert the following sentences:

The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an

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easement, contingent or reversionary, the invitation to bid and the advertisements required herein shall require each bidder to submit one bid under each Option A and Option B below.

- (1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.
- (2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each.

29. Pages 6, 7 and 8, Sections 15(b) and (c), Lines 26 to 99: Delete

the present language and insert in lieu thereof the following:

- (b) At private sale when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:
 - (1) A sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof.
 - (2) A sale to a person submitting a bid pursuant to subsection (a) of Section 15 of this act where all bids have been rejected, provided that the terms and price agreed to shall in no event be less than the highest bid rejected and provided further that the terms and conditions of sale shall remain identical.
 - (3) A sale by any county or municipality when it has or shall have conveyed its right, title and interest in any real property, capital improvement or personal property not needed for public use, and it was assumed and intended that there should be conveyed a good and sufficient title in fee simple to said real property, capital improvement or personal property, free of all incumbrances and the full consideration has been paid therefor, and it shall thereafter appear that the title conveyed was insufficient or that said county or municipality at the time of said conveyance was not the owner of some estate or interest in said real property, capital improvement or personal property or of some encumbrances thereon and the county or municipi-

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pality shall thereafter acquire a good and sufficient title in fee simple, free of all encumbrances of said real property, capital improvement or personal property or shall acquire such outstanding estate or interest thereon or outstanding encumbrance thereon and said county or municipality, by resolution of the governing body and without the payment of any additional consideration, has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns, such after-acquired title, or estate or interest in, or encumbrance upon, such real property, capital improvement or personal property to perfect the title or interest previously conveyed.

- (4) A sale of an easement upon any real property previously conveyed by any county or municipality, when the governing body of any county by resolution, or any municipality, by ordinance, has elected to release the public rights in the nature of easements, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes.

In the case of any sale of real property hereafter made pursuant to this subsection (b) of Section 15 of this act, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it.

A list of the property so authorized to be sold, pursuant to this subsection (b) of Section 15 of this act, together with the minimum prices respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated within five days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later

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than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this Section 15.

Any county or municipality selling any real property, capital improvement or personal property pursuant to this subsection (b) of Section 15 of this act shall file with the Director of the Division of Local Finance in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

All sales either public or private may be made for cash or upon credit. A deposit not exceeding 1 per centum of the minimum price or value of the property to be sold may be required of all bidders. When made upon credit, the county or municipality may accept a purchase-money mortgage, upon terms and conditions which shall be fixed by the resolution of the governing body; provided, however, that when such mortgage shall be fully payable within 5 years from the date of the sale and shall bear interest at a rate equal to that authorized under Title 31 of the Revised Statutes, as amended and supplemented, and the regulations issued pursuant thereto, or the rate last paid by the county or municipality upon any issue of notes pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes), whichever is highest. The governing body may, by resolution, fix the time for closing of title and payment of the consideration.

In all sales made pursuant to this section, the governing body of any county or municipality may provide for the payment of a commission to any real estate broker, or authorized representative other than the purchaser actually consummating such sale, but said commissions shall not exceed, in the aggregate, 5% of the sale price, and be paid, where there has been a public sale, only in the event that the sum of the commission and the highest bid price does not exceed the next highest bid price (exclusive of any realtor's commission).

Source: R.S. 40:32-8, amended 1950, c. 50; 40:60-26, amended 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160; 1946, c. 106; 1947, c. 417; 1948, c. 245; 1957, c. 86; 40:60-27; 40:32-9; 40:60-29; 40:60-37; 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3, s. 1; 1961, c. 96, s. 1; 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96, s. 2; 40:60-36; C. 40:60-38.1 (1964, c. 109).

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30. Page 8, Section 16, Lines 1 to 8: Delete the present language and insert in lieu thereof the following:

16. Leasing of county or municipal real property, capital improvements or personal property. Any county or municipality may lease any real property, capital improvement or personal property not needed for public use as set forth in the resolution or ordinance authorizing the lease, other than county or municipal real property otherwise dedicated or restricted pursuant to law, and accept as otherwise provided by law, all such leases shall be made in the manner provided by this section.
- (a) In the case of a lease to any private person, said lease shall be made by public letting to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the leasehold is situated by 2 insertions at least once a week during 2 consecutive weeks; the lease publication to be not earlier than 7 days prior to the letting of the lease. The governing body may, by resolution, fix a minimum rental with the reservation of the right, to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the letting of the lease and public notice thereof shall be given of the time of the letting of the lease. Such resolution may provide that upon the completion of the bidding, the highest bid may be accepted or all of the bids may be rejected. It shall also set out the conditions, restrictions and limitations upon the tenancy subject to the lease. Acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the governing body following the opening of the bids, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such award may be adjourned at the time advertised for not more than one week without readvertising.
- (b) In the case of a lease to a public body, the lease may be upon such terms and conditions and for nominal or other consideration as the governing body of the county or municipality shall approve by ordinance or resolution.
- (c) In the case of a lease to a non-profit corporation for a public purpose, the lease shall be authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, and may be for nominal or other consideration. Said authorization shall include the nominal or other consideration for the lease; the name of the corporation or corporations who shall be the lessees; the public purpose served by the lessee;

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the number of persons benefiting from the public purpose served by the lessees, whether within or without the municipality in which the leasehold is located; the term of the lease, and the officer, employee or agency responsible for enforcement of the conditions of the lease. Said ordinance or resolution shall also require any non-profit corporation holding a lease for a public purpose pursuant to this section, to annually submit a report to the officer, employee or agency designated by the governing body, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the non-profit corporation pursuant to both State and Federal law.

31. Page 8, Section 17, Lines 1 to 19: Delete the present language and insert in lieu thereof the following:

17. Purposes for which leases for a public purpose may be made. A leasehold for a term not in excess of 50 years may be made pursuant to this act and extended for an additional 25 years by ordinance or resolution thereafter for any county or municipal public purpose, including, but not limited to:
- (a) The provision of fire protection, first aid, rescue and emergency services by an association duly incorporated for such purposes.
 - (b) The provision of health care or services by a non-profit clinic, hospital, residential home, outpatient center or other similar corporation or association.
 - (c) The housing, recreation, education or health care of veterans of any war of the United States by any non-profit corporation or association.
 - (d) Mental health, or psychiatric services or education for the mentally ill, mentally retarded, mentally defective by any non-profit corporation or association.
 - (e) Any shelter care or services for persons aged 62 or over receiving Social Security payments, pensions, or disability benefits which constitute a substantial portion of the gross income by any non-profit corporation or association.
 - (f) Services or care for the education or treatment of cerebral palsy patients by any non-profit corporation or association.
 - (g) Any civic or historic programs or activities by duly incorporated historical societies.

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- (h) Services, education, training, care or treatment of poor or indigent persons or families by any non-profit corporation or association.
- (i) Any activity for the promotion of the health, safety, morals and general welfare of the community of any non-profit corporation or association.

In no event shall any lease under this section be entered into for, with, or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing, or other profit-making enterprise, nor shall any lease pursuant to this section be entered into with any political, partisan, sectarian, denominational or religious corporation or association, or for any political, partisan, sectarian, denominational or religious purpose.

Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87, amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949, c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61, s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75, s. 2); C. 40:60-51.6 (1957, c. 148); C. 40:32-20 (1958, c. 87, amended 1960, c. 185, s. 2; 1963, c. 188, s. 2); R.S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34); R.S. 40:60-43, amended 1962, c. 132; 1964, c. 110); R.S. 40:60-44; 40:60-45; C. 40:60-45.1 (1940, c. 145); C. 40:60-45.2 (1947, c. 316); C. 40:60-45.3 (1950, c. 184 amended 1951, c. 132, s. 2; 1955, c. 130; 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1); C. 40:60-45.4 (1954, c. 184 amended 1966, c. 35); C. 40:60-45.5 (1965, c. 228); C. 40:60-51.11 (1964, c. 71).

32. Pages 8 and 9, Section 18, Lines 1 to 22: Delete the present language and insert in lieu thereof the following:

18. Conveyance of real property subject to referendum.
In any case in which a county or municipality shall determine, in the case of a municipality, by ordinance and a county, by resolution, that it is in the public interest to convey a title or interest other than a leasehold interest pursuant to sections 16 and 17 of this act, it may convey such title or interest only as provided herein. Said ordinance or resolution shall set out in clear and simple terms, in addition to the matter required by section 16 of this act, a statement of the reasons why a leasehold interest will not adequately serve the public purpose for which a conveyance is to be made. The conveyance may be made subject to such terms and conditions as are directly related to the public purpose to be served and shall include a right of reversion to the county or municipality in any case in which the non-profit corporation or association to whom such real property is conveyed shall fail to comply with said terms or conditions. The ordinance or resolution shall not become operative until approved by a majority of the legal voters of the county or municipality voting on the proposition at a general election, pursuant to Section 19 of this act.

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33. Page 9, Section 19, Lines 1 to 15: Delete the present language and insert in lieu thereof the following:

19. Procedure for conveyance of real property for a public purpose.

(a) Public notice of the submission of the proposition shall be given by advertisements signed by the county or municipal clerk and posted in at least 10 public places in the county or municipality and also published in at least 2 newspapers printed or having a substantial circulation in the county or municipality at least 20 days before the election.

(b) The proposition to be submitted shall be placed upon the official ballots to be used at such election in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO.

YES

NO

"Shall the following described real property be conveyed, subject to the following described conditions and limitations, to (insert herein the name of the non-profit corporation to whom the land will be conveyed) for the public purpose of (insert herein the public purpose to be served by the conveyance)? (Here insert short description of the real property)."

34. Page 10, Section 20, Line 20: Insert after the word "purposes." the following sentences:

For purposes of this section, any land to be exchanged by the county or municipality shall be valued at not less than the amount for which it was acquired or in the case of an acquisition by gift or devise, in an amount of not less than the "full and fair value" of the land as determined by the assessor of the municipality in which it is located pursuant to Section 54:4-23 of the Revised Statutes for the tax year in which the land was acquired by the county or the municipality. Any land which shall be conveyed to the county or municipality in exchange for any county or municipal land shall be valued at no more than the "full and fair value" determined for the land by the assessor of the municipality in which the land is located pursuant to Section 54:4-23 of the Revised Statutes for the then current tax year. In any case in which the value of the county or municipal land to be exchanged exceeds the value of the land to be received by the county or municipality, the county or municipality shall exact additional cash consideration, as authorized herein, equal to the difference of the two values as determined pursuant to this section.

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35. Page 10, Section 21, Line 2: After the word "of" and before the word "not" delete the word "lands" and insert in lieu thereof the phrase "real property, capital improvements or personal property".

36. Page 10, Section 22, Lines 1 to 10: Delete the present language and insert in lieu thereof the following:

OTHER MATTERS

22. Federal aid. Every county or municipality making an acquisition, sale, lease or exchange pursuant to this act may apply for, receive and expend such grants, loans, gifts and aids as may be made available to it for such purposes from any source whatsoever, including, but not limited to, the United States of America or any agency or department thereof; the State of New Jersey or any agency or department thereof; or any political subdivision of this State; or any corporation, person, association or society.

37. Pages 10 and 11, Section 23, Lines 1 to 23: Delete the present language and insert in lieu thereof the following:

23. Acquisition on Behalf of Another Public Body. Any county or municipality may acquire, sell, lease or exchange, pursuant to this act, any real property, capital improvement or personal property in trust for, on behalf of, or as agent for, any other political subdivision or body corporate and politic of this State or the United States of America, or any department or agency thereof, upon such terms and conditions as the governing body of the municipality, by ordinance, or the county, by resolution, shall adopt.

38. Page 11, Section 24, Lines 1 to 17: Delete the present language and insert in lieu thereof the following:

24. Conflict of Interest.

(a) No member of a governing body, officer or employee of any [REDACTED] county or municipal agency, board, commission, department or authority exercising powers pursuant to this act, or members of his immediate family, shall participate in, or in any way influence any proceeding before such body involving an acquisition, sale, lease or exchange of any real property, capital improvement or personal property pursuant to this act, if such member, officer or employee has:

(1) Any proprietary or financial interest, either direct or indirect, in the real property, capital improvement or personal property, that is the subject of the proceeding, or

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- (2) Any business or financial relationship with the owner, contract purchaser or lessee of such real property, capital improvement or personal property or any agent of such parties including, but not limited to, brokers, attorneys, assessors or appraisers.
- (b) The governing body of a municipality, by ordinance, or a county, by resolution, shall provide that all members of the governing body or employees of the county or municipality empowered to prepare or adopt specifications, terms, conditions or related matters for any acquisition, sale, lease or exchange pursuant to this act shall make a full disclosure in writing of any interest referred to in paragraph (a) above in the county or municipality, that such statement shall be made prior to the considerations of any negotiations or transaction pursuant to this act and shall be filed with the presiding officer of such governing body.
- (c) For the purposes of this section "proprietary or financial interest, either direct or indirect in the real property, capital improvement or personal property" means any form of ownership of or interest in the real property, capital improvement or personal property or of the firm or corporation owning or having interest in the real property, capital improvement or personal property whereby the member or employee would or could receive economic gain as a result of dealing with the real property, capital improvement or personal property or the improvements thereon and whether such ownership or interest is held by the member, officer or employee or by his spouse or by his minor natural, adopted, or stepchildren or by any other relations of the member resident in his home or by his private business firm; provided, however, that the member, officer or employee or his immediate family shall not be considered to have a proprietary or financial interest if such interest is represented by ownership of less than 10% of the authorized and issued stocks or bonds of any particular class of a corporation that owns or has an interest in the real property, capital improvement or personal property.
- (d) For the purposes of this section, "business or financial relationship" shall mean any form of contractual, financial or economic relationship based upon an agreement enforceable at law or in equity between the member, officer or employee, or a member of his immediate family, or his private business firm and the owner, contract purchaser, or leases of such real property, capital improvement or personal property, provided however, that business or financial relationship shall not include ordinary contractual relationships between the member, officer or employee and a public utility for the provision of utility services or between the member, officer or employee and a retail establishment relating to customary credit, time purchase or charge account transactions, nor shall include agreements between the member, officer or employee and any party that are fully executed and complete.

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- (e) This section shall not be construed to in any way repeal, modify, or prevent the application of existing statutes, ordinances or decisions of general application prohibiting or regulating conflicts of interest of public officials.
- (f) The governing body may, by ordinance, adopt additional or supplementary conflict of interest rules not inconsistent with this section. Any person who violates the provisions of this section or of any ordinance adopted under this section shall be subject to immediate removal from office and shall be punishable by fine not to exceed \$1,000.00.
- (g) The violation of this section by a member of a governing body shall not be grounds for setting aside any action of the agency, unless (1) a contrary decision would have been reached without the vote of such member, and (2) written notice of such violation is given to the municipal clerk within two years of such decision. Any acquisition, sale, lease or exchange made in violation of this section may be set aside by the governing body of the county or municipality if it determines that such an action would be in the best interest of the county or municipality, and the real property, capital improvement or personal property which was the subject of the acquisition, sale, lease or exchange has not subsequently been sold, leased or exchanged to any person not a party to the original transaction and not having notice of any violation of this section at the time it was committed.
- (h) "Member of his immediate family" means (1) the spouse and all minor natural, adopted, and stepchildren of the person, and (2) all other relatives by blood, marriage or adoption if such relatives reside with the person in his home or in one of his houses.

39. Pages 11, 12 and 13, Section 25, Lines 1 to 65: Delete the present language and insert in lieu thereof the following:

25. Investigations.

- (a) When any real property, capital improvements or personal property shall have been acquired, sold, leased or exchanged by any county or municipality pursuant to this act, and the grand jury sitting in the county shall have presented to the court that there is evidence of failure to fulfill specifications, enforce or impose conditions, restrictions or limitations required herein, or unwarranted preferences in any of the said transactions, which is not sufficient for indictment pursuant to Chapter 135 of Title 2A of the New Jersey Statutes, the governing body of the county or municipality shall present to a judge of the

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Superior Court a request to make a summary investigation into said transactions. The judge may, in his discretion, make such an investigation. The said judge may, in his discretion, appoint experts to prosecute the investigation and cause the result to be published in such manner as he may deem proper. All members, officers, employees and agents of the board, commission, committee or other body making the acquisition, sale, lease or exchange, shall obey the orders of such judge for facilitating the investigation, and any failure or refusal to obey such orders may be punished by the judge as for contempt.

The costs incurred under this section shall be fixed by the judge, and his order be paid by the disbursing officers of the board, commission, committee or other body whose expenditures have been investigated.

- (b) Nothing herein shall in any way limit the power, duty or authority of the Director of the Division of Local Finance from undertaking such investigations, inquiries, or holding of such hearings with regard to any acquisition, sale, lease or exchange pursuant to his act as may be authorized pursuant to the "Local Government Supervision Act (1947)", P.L. 1947, c. 151 (C. 52:27BB-1 to 52:27BB-100, as amended and supplemented. The Director shall present any evidence of any violation of this act, or of Chapter 135 of Title 2A of the New Jersey Statutes, or any other act resulting from a transaction pursuant to this act to the prosecutor of the county in which the violation occurred or to the Attorney General forthwith.

Source: C. 40:32-4 (1953, c. 37).

40. Page 13, Section 27, Lines 1 to 9: Delete the present language and insert in lieu thereof the following:

27. Burial grounds for indigents; removal and reinterment of bodies; sale of land.

- (a) Whenever a municipality owns lands which have been used for the burial of indigents but have not been used for such purposes for 20 or more years, the governing body of the municipality may, by ordinance, determine that it is for the best interests of the municipality to cause the removal and reinterment of the bodies interred therein to a more suitable place. In the event of any such determination, the governing body of the municipality may, by resolution, provide for the disinterment and reinterment of the said bodies and after the removal of the said bodies if the governing body of the municipality shall, by resolution, determine that the lands from which the bodies have been so removed are not needed for public use may sell or lease the same as in the case of other lands not needed for public use pursuant to the provisions of this act.

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(b) Prior to the adoption of an ordinance pursuant to this section, a public hearing thereon shall be held before the governing body which shall be noticed by advertisement published once each week for 2 weeks in a newspaper published or circulating in the municipality. Notice shall also be sent to the last known address of any next of kin of persons to be disinterred pursuant to this section. The notice shall contain a description of the lands involved and of the action proposed by the ordinance.

(c) The cost of the removal of the bodies and of the acquisition of the lands wherein the bodies shall be reinterred shall be deemed to be a municipal expense and municipal funds may be appropriated to provide for the payment of the said expense, or the necessary funds may be provided for by requiring the purchaser of said lands to assume such expense as a condition of the purchase. The next of kin of any person disinterred pursuant to this section may elect to have the body or bodies disinterred, cremated or elsewhere interred at municipal expense.

Source: C. 40:60-51.8; C. 40:60-51.9 (1953, c. 127).

41. Page 13, Section 29, Lines 1 to 7: Delete Section 29 in its entirety.

42. Page 13, Section 30, Line 1: Delete the number "30." and insert in lieu thereof the number "29."

43. Page 14, Section 31, Lines 1 to 10: Delete Section 31 in its entirety and insert in lieu thereof the following:

30. Construction. The language and terms of this act shall be construed broadly, in order that counties and municipalities may have all of the powers necessary and incident to the efficient and economical execution of their public functions, and in order that the officers and employees of counties and municipalities shall have clear and unambiguous standards of conduct in dealing with public real property, capital improvements or personal property and monies.

44. Page 14, Section 32, Lines 1 to 7: Delete Section 32 in its entirety and insert in lieu thereof the following:

31. Saving Clause. Any acquisition, sale, lease or exchange made prior to the effective date of this act, pursuant to any act repealed or amended pursuant to this act, is hereby validated, confirmed and continued, except that no lease shall be renewed or extended, except in accordance with the provisions of this act.

45. Page 14, Section 33, Lines 1 to 19: Delete Section 33 in its entirety.

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46. Pages 14 and 15, Section 34, Lines 1 through 46: Delete Section 34 in its entirety.

47. Between Section 34, Line 46 and Section 35, Line 1: Delete the heading "COUNTIES, COUNTY PARK COMMISSIONS AND MUNICIPALITIES".

48. Pages 15 and 16, Section 35, Lines 1 through 16: Delete Section 35 in its entirety.

49. Between Section 35, Line 16 and Section 36, Line 1: Delete the heading "COUNTIES".

50. Page 16, Section 36, Lines 1 to 8: Delete Section 36 in its entirety.

51. Between Section 36, Line 8 and Section 37, Line 1: Delete the heading "CITIES, FIRST AND SECOND CLASS".

52. Page 16, Section 37, Lines 1 to 6: Delete Section 37 in its entirety.

53. Page 16, Section 38, Line 1: Delete the number "38." and insert in lieu thereof the number "32."

54. Page 16, Section 38, Line 7: Insert after "40:60-9;" and before "40:60-26" the following:

40:60-10; 40:60-11; 40:60-12; 40:60-13; 40:60-14;
40:60-15; 40:60-16; 40:60-17; 40:60-18; 40:60-19;
40:60-20; 40:60-21; 40:60-22; 40:60-23; 40:60-24;

and after "40:60-27" and before "40:60-29" insert "40:60-28".

55. Page 17, Section 38, Line 30: After "(C. 40:60-45.5)" insert ", also L. 1942, c. 138 (C. 40:60-25.1 to 40:60-25.6); L. 1943, c. 33 (C. 40:60-51.2); L. 1944, c. 206 (C. 40:60-25.7 to 40:60-25.17); L. 1944, c. 207 (C. 40:69-4.1 to 40:69-4.12); L. 1946, c. 245 (C. 40:60-25.18 to 40:60-25.26); L. 1946, c. 302 (C. 40:60-25.27 to 40:60-25.32); L. 1947, c. 322 (C. 40:60-28.1); L. 1953, c. 403 (C. 40:60-51.5); L. 1958, c. 118, (C. 40:60-51.7); L. 1958, c. 147 (C. 40:60-25.47 to 40:60-25.50); L. 1962, c. 86 (C. 40:60-49.1); L. 1963, c. 127 (C. 40:60-51.8 to 40:60-51.10); L. 1964, c. 173 (C. 40:60-40.6); L. 1965, c. 133 (C. 40:60-25.51 to 40:60-25.52); L. 1966, c. 298 (C. 40:60-25.54 to 40:60-25.56); L. 1967, c. 11 (C. 40:60-25.57 to 40:60-25.60)."

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56. Page 17, Section 39, Line 1: Delete the number "39." and insert in lieu thereof the number "33."

Respectfully,

/s/ Richard J. Hughes

GOVERNOR

Attest:

/s/ Alan J. Karcher

Acting Secretary to the Governor

SENATE AMENDMENTS TO
SENATE, No. 283
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 17, 1969

Amend page 1, section 2, lines 1 to 11, delete the present language and insert in lieu thereof the following:

“2. Definitions. The following words shall have the following meanings, unless the context clearly indicates the contrary:

(a) ‘Acquire’ shall include acquisition by gift, devise, purchase, lease or condemnation unless otherwise indicated.

(b) ‘Buildings’ shall include any building or buildings and any structures, improvements, ingress or egress, grounds or plazas, necessary and incidental to the purpose of the building and the safety, comfort and well-being of its occupants.

(c) ‘Capital improvements’ shall include, in addition to buildings, any structures, fixtures, edifices, byways, parking lots, service facilities, and any other facility necessary and incidental to the lawful performance of any function of a county or municipality.

(d) ‘County’ means any county of this State of whatever class.

(e) ‘Municipality’ means any town, township, borough, village or city of whatever class heretofore or hereafter created under general or special charter.

(f) ‘Personal property’ shall mean any personal property necessary and incidental to the furnishing, refurnishing or refurbishing of a building.

(g) ‘Real property’ shall include, in addition to the usual connotations thereof, any right, interest or estate in the area extending above any real property, or capital improvement thereon, to such a height or altitude as any title, interest or estate in real property may extend, commonly known as ‘air rights.’.

(h) ‘Resolution’ or ‘ordinance’ when used in connection with the action of a county or municipality means a resolution or ordinance adopted by the governing body of the county or municipality. In any

case in which a resolution or ordinance authorizing the expenditure of public moneys is required to be approved by any other board, body or commission of the State, county or municipality, 'resolution' or 'ordinance' shall mean also adopted or approved by the board, body or commission authorized to take such action on behalf of the State, county or municipality.

(i) 'Sale' shall include the conveyance of any estate, interest, easement of title to, or the waiver, release, or modification of any conditions, restrictions or limitations on any real property, capital improvement or personal property of the county or municipality, but shall not include any lease or exchange of such property."

Amend page 1, section 3, lines 1 to 10, delete the present language and insert in lieu thereof the following:

"ACQUISITION

3. Acquisition of lands and buildings.

(a) Any county or municipality may acquire, construct and maintain such buildings or other capital improvements as may be necessary and suitable for the performance of its functions, the accommodation of the courts required to be held in the county or municipality, the conduct of public business and the use of the county and municipal departments, officers, boards, commissions and agencies in charge of institutions and facilities and any other county or municipal public purposes, and from time to time as necessary, repair, alter, enlarge, rebuild, furnish, re-furnish, refurbish or rehabilitate such buildings.

(b) Any county or municipality may acquire the necessary land for the construction thereon of buildings or other capital improvements or additions thereto and for suitable surrounding grounds and parking facilities to be used in connection therewith. Any such buildings, capital improvements or facilities may be constructed and maintained upon real property acquired by the county or municipality.

(c) A county or municipality may furnish and equip such buildings, improvements and facilities for the proper use thereof and may from time to time as may be necessary, repair and replace the furnishings and equipment thereof.

Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40:60-6, amended 1954, c. 39."

Amend page 2, section 4, lines 1 to 18, delete the present language and insert in lieu thereof the following:

"4. Further acquisitions authorized. Any county or municipality may acquire:

(a) Any real property, capital improvement, personal property or any interest or estate whatsoever therein, including easements, water,

water power, or water rights, either within or without the county or municipality, or

(b) Any outstanding easement, right or interest in any real property, capital improvement or personal property previously acquired by the county or municipality which the governing body shall determine to be necessary or useful for the proper exercise of any power conferred or duty imposed upon the county or municipality by this or any other law; but this section shall not operate, or be construed, to repeal or supersede any law requiring the consent of any other county or municipality, or any State authority, department, agency or commission for the acquisition of any such property.

Source: R. S. 40:32-2; 40:60-2.”.

Amend page 2, section 5, lines 1 to 23, delete the present language and insert in lieu thereof the following:

“5. Additional powers. Any county, by resolution, or any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property, other than by condemnation:

(a) By purchase, gift, devise, lease, exchange, or condemnation;

(b) Subject to lawful conditions, restrictions or limitations as to its use by the county or municipality, provided the governing body accepts such lawful conditions, restrictions or limitations. When any county or municipality shall have acquired any real property, capital improvement or personal property upon any lawful condition, restriction or limitation, it is hereby authorized to take such steps as may be necessary and proper to the compliance by the county or municipality with such lawful conditions, restrictions or limitations;

(c) Whenever the governing body of any county or municipality to which there has been conveyed any real property, capital improvement, or personal property subject to such lawful conditions, restrictions or limitations shall by ordinance, in the case of a municipality, and by resolution, in the case of a county, determine that said real property, capital improvement or personal property can no longer be used advantageously for the purpose for which the same were acquired by the county or municipality, said county or municipality may, by ordinance or resolution, authorize the sale or exchange pursuant to section 15 of this act of the interest of the county or municipality in said real property, capital improvement or personal property to the person from whom the same was acquired;

(d) Whether the acquisition of any real property is by lease, purchase, or exchange, the governing body may require the construction or repair of any capital improvement as a condition of acquisition.

Any county or municipality having acquired any real property, capital improvement or personal property or any estate or interest therein,

which acquisition or estate or interest shall have become unsuited or inconvenient for the use for which it was acquired, may, at any time convert a portion or the whole thereof to any other public use unless otherwise provided by law or by the terms of acquisition.

Source: R. S. 40:32-2; 40:60-2; C. 40:60-27.4 (1950, c. 7); R. S. 40:32-10, amended 1953, c. 119; 40:60-37; 40:60-38; 40:60-9.'.

Amend page 3, section 6, lines 1 to 19, delete the present language and insert in lieu thereof the following:

“6. Authorization to incur indebtedness and make appropriations.

(a) Whenever, pursuant to law, a county or municipality is authorized to acquire or improve any real property or capital improvement, or both, or any personal property, the county or municipality may provide for the payment of the cost of such acquisition or improvement, or both, in whole or in part, by the incurring of indebtedness and issuance of bonds in accordance with the ‘Local Bond Law,’ (chapter 2 of Title 40A of the New Jersey Statutes) or by having provided an appropriation in the annual budget for the purpose, pursuant to the provisions of the ‘Local Budget Law,’ (chapter 4 of Title 40A of the New Jersey Statutes).

(b) Whenever, pursuant to law, a county or municipality is authorized to maintain or operate any real property, capital improvement, or personal property, or any facility, the county or municipality may provide for the payment of the cost of such maintenance or operation, or both, by budget appropriation in the manner provided by law, any sums obtained from earnings of such property or facility, if any, or from any other lawful revenue source, pursuant to the provisions of the ‘Local Budget Law’ (chapter 4 of Title 40A of the New Jersey Statutes).’.

Amend page 3, section 7, lines 1 to 16, delete the present language and insert in lieu thereof the following:

“7. Subsequent acquisition of outstanding interests. Any county or municipality having acquired any real property, capital improvement or personal property or any estate or interest therein subject to any lawful conditions, restrictions or limitations upon its use may subsequently acquire such outstanding interest.

In any case in which a county or municipality seeks to acquire such interest or estate by purchase or condemnation, the amount to be paid to the owner of the reversionary or other private right or estate or expectancy shall be the value of such right, subject to the continued use of the property for the purpose or purposes for which it was acquired by the county or municipality.

Source: R. S. 40:60-38.'.

Amend pages 3 and 4, section 8, lines 1 to 9, delete the present language and insert in lieu thereof the following:

“8. Procedure for acquisition. A county or municipality may acquire any real property, capital improvement or personal property only in accordance with the provisions of this act and only in the manner provided by this section.

(a) In the case of an acquisition by gift or devise, a county or municipality shall only accept title to such gift or devise by an ordinance in the case of a municipality, or by resolution, in the case of a county, setting out therein (1) the use or purpose to which the acquisition by gift or devise shall be applied, and (2) the name of the donor or devisor, and (3) any conditions, restrictions or limitations imposed upon, or estate or interest retained in the acquisition, and the acceptance by the governing body of said limitations or conditions, and (4) an estimate by the fiscal officer of the municipality of the present and foreseeable benefits and costs, and the net benefit or cost of the acquisition to the county or municipality in operating revenues or expenses, maintenance, depreciation or other costs, including potential tax revenues.

(b) In the case of an acquisition by purchase or lease, a county or municipality shall make such acquisition by an ordinance, in the case of a municipality, or by resolution, in the case of a county, setting out therein (1) the use or purpose to which the acquisition shall be put or applied, and (2) the name of the vendor or lessor, and (3) any conditions, restrictions or limitations imposed on, or estate or interest retained in the acquisition, and the acceptance by the governing body of said conditions or limitations, and (4) the price to be paid by the county or municipality. In such a case, the county or municipality shall determine the price to be paid at an amount not in excess of the ‘full and fair value’ of the real property or capital improvement, as determined by the assessor of the municipality in which the real property or capital improvement is located for the then current tax year pursuant to section 54:4-23 of the Revised Statutes. In making a determination of the ‘full and fair value’ pursuant to this section a county or municipality may, in any case where the real property or capital improvement to be purchased or leased is less than a full parcel, apportion the value of the property on a pro-rata basis, and the value of a lease by capitalization.

A county or municipality may determine and pay a higher price upon agreement by the vendor or lessor to pay to the collector of taxes in the municipality in which the real property or capital improvement is located, the difference between the real property taxes paid on the land or other property and the amount which would have been payable had the value of the real or other property been determined at the amount

to be paid by the county or municipality and entered as the 'full and fair value' determined by the assessor pursuant to section 54:4-23 of the Revised Statutes for each of the 10 preceding tax years; and such back taxes due and payable as so recomputed are paid pursuant to the provisions of chapter 4 of Title 54 of the Revised Statutes.

(c) In the case of acquisition by condemnation, the acquisition shall be made in the manner provided by Title 20 of the Revised Statutes.

(d) Section 20:1-9 of the Revised Statutes is amended to read as follows:

20:1-9. The commissioners shall take and subscribe an oath faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding. Thereafter they shall meet at the time and place appointed and proceed to view and examine the land or other property and make a just and equitable appraisal of the value of the same, and an assessment of the amount to be paid by the petitioner for the land or other property and damage as aforesaid, as of the date of the commencement of the act for condemnation or, if the land or other property is being acquired in connection with development or redemption of a blighted area, then in that event, the value of any property sought to be acquired shall be fixed and deemed to be no less than the value as of the date of the declaration of blight by the governing body upon a report by a planning board.

In the event that the commissioners shall determine upon the evidence before them a value of any land or other property, in excess of the 'full and fair value' or, in the case of a partial taking, the pro-rata share of the 'full and fair value' of any parcel, determined by the assessor of the municipality in which the land or other property is located for the then current tax year pursuant to section 54:4-23 of the Revised Statutes, the commissioners shall deduct from the award an amount equal to the difference between the real property taxes paid on the real or other property and the amount which would have been payable had the value determined by the commissioners been used by the assessor as the 'full and fair value' of the land or other property pursuant to section 54:4-23 of the Revised Statutes for each of the preceding 10 tax years. For purposes of this computation, the commissioners may take into account any increase or decrease in value as they have determined it during the period in question, or may assume a constant ratio between the 'full and fair value' as determined by the assessor and the value determined by the commissioners. The commissioners shall then direct that the amount determined pursuant to this paragraph be paid to the collector of taxes of the municipality in which the land or other prop-

erty is located along with such interest or costs as shall be payable pursuant to chapter 4 of Title 54 of the Revised Statutes.''

Amend page 4, section 9, line 16, delete the phrase "an inheritance or estate", and insert in lieu thereof the word "any".

Amend page 4, section 9, line 18, delete the phrase "a transfer inheritance or estate", and insert in lieu thereof the word "any".

Amend page 4, section 9, line 19, delete the phrase "subtitle 5 of".

Amend page 4, section 9, lines 25 and 26, delete the phrase "transfer inheritance or estate".

Amend page 4, section 9, lines 30 and 31, delete the phrase "transfer inheritance or estate".

Amend page 5, section 11, lines 1 to 6, delete the present language and insert in lieu thereof the following:

"11. Joint purchase of lands and construction of buildings or other capital improvements for joint use. Any county or municipality therein may acquire land and construct thereon a building or buildings or other capital improvements for their joint use. Title thereto shall be taken in the manner and their respective uses provided by agreement between the governing bodies of the county and municipality. The expense of acquisition of such land and the construction of a building or buildings or other capital improvements and of the maintenance thereof shall be divided between the county and municipality in such manner as the governing bodies shall agree upon.

Source: R. S. 40:32-5.''

Amend page 5, section 12, lines 1 to 10, delete the present language and insert in lieu thereof the following:

"12. Temporary quarters. Any county or municipality may lease, temporarily, any suitable building, when needed by reason of the destruction, alteration, repairing or inadequacy of any county or municipal building, but no lease under this section shall extend beyond the period reasonably necessary for the alteration, repair or construction of an adequate county or municipal building.

Source. R. S. 40:60-7.''

Amend page 5, between section 12, line 10 and section 13, line 1, delete the heading "MUNICIPALITIES".

Amend page 5, section 13, lines 1 to 6, delete the present language and insert in lieu thereof the following:

"13. Early land acquisition. Any county, by resolution, or municipality, by ordinance, may acquire real property and any estate or interest therein, including a lease with option to purchase, which the governing body shall determine will be necessary or useful for the proper exercise of any power conferred upon the county or municipality

by this or any other law, notwithstanding that the county or municipality will not make use of such estate or interest for a period not exceeding 10 years if:

(a) In the case of a county or municipality, (1) the county or municipality has adopted a capital budget pursuant to New Jersey Statutes 40A:4-43 to 45 which shall include a program or project for the expenditure of public funds for capital purposes requiring, or likely requiring, the acquisition of such real property, and (2) the proposed use for which the real property may be acquired is in conformity with both the zoning ordinance and master plan of the municipality, where such have been adopted, and

(b) In the case of a county, the county shall enter into an agreement for payments in lieu of taxes with the municipality, in which case said payments shall not be less than the aggregate amount paid by all real property acquired by the county at the time of acquisition. Said agreement may be limited to the period during which the county has not initiated the program or project of expenditure of public funds for capital purposes adopted pursuant to its capital budget.

During the period prior to the initiation of a program or project for the expenditure of public funds for capital purposes pursuant to the capital budget of the county or municipality, the county or municipality shall have all the powers and duties of a private person for purposes of collection of rents, fees, service charges and the provision of safe, decent and sanitary housing, section 28 to the contrary notwithstanding. Housing facilities in being at the time of acquisition shall be operated, maintained and improved by the county or municipality, or where the county or municipality so elects, by a county or municipal housing authority created pursuant to the Local Housing Authorities Law, (P. L. 1938, c. 19)."

Amend page 5, section 14, line 2, insert after the word "a" and before the word "municipality" the phrase "county, by resolution, or", and insert after the word "municipality" and before the word "determines", the phrase ", by ordinance,", and after the word "that" and before the word "property", insert the phrase "any real".

Amend page 5, section 14, line 4, insert after the word "the" and before the word "municipality", the phrase "county or".

Amend page 5, section 14, line 5, after the word "State" and before the word "Title" delete the ".", and insert in lieu thereof a ",".

Amend page 5, section 14, lines 5 and 6, delete the phrase "Title thereto may be acquired", and insert after the word "the" and before the word "municipality" the phrase "county or".

Amend page 5, section 14, line 7, after the word "the" and before the word "municipality", insert the phrase "county or".

Amend page 5, section 14, line 8, delete "Source: R. S. 40:60-4." and insert in lieu thereof the following 2 paragraphs:

"(a) The governing body of a county or municipality acquiring real property pursuant to this section, or which has acquired real property pursuant to section 40:60-4 of the Revised Statutes, shall annually file with the Division of Local Finance in the Department of Community Affairs a resolution indicating the location of the property acquired pursuant to this section, its cost, the real parties in interest from whom the real property was purchased; the cost of operating or maintaining any improvements or facilities thereon (including taxes); and the purpose for which it was purchased.

(b) In any case in which real property has been acquired pursuant to this section, and is determined by a county, by resolution or a municipality, by ordinance, to no longer be necessary to the beneficial use of property in this State, said property shall be sold pursuant to the provisions of section 15 of this act. Such a determination shall be made in any case in which the real property in this State owned by the county or municipality, for whose beneficial use of which the real property located in the foreign State is purchased, shall have been sold or exchanged by the county or municipality.

Source: R. S. 40:60-4."

Amend page 5, between section 14, line 8 and section 15, line 1, delete the heading "COUNTIES AND MUNICIPALITIES", and insert in lieu thereof the heading "SALE, LEASE OR EXCHANGE".

Amend page 5, section 15, line 1, delete the phrase "lands or buildings", and insert in lieu thereof the phrase "real property, capital improvements or personal property".

Amend page 5, section 15, line 2, delete the phrase "lands or buildings", and insert in lieu thereof the phrase "real property, capital improvements or personal property".

Amend page 6, section 15, lines 4 and 5, on line 4, after the word "than" and before the word "municipal", insert the phrase "county or"; and on lines 4 and 5, delete the phrase "used for public highways or places or for park purposes", and insert in lieu thereof the phrase "real property otherwise dedicated or restricted pursuant to law,".

Amend page 6, section 15(a), line 13, add after the word "price," the phrase "or prices,".

Amend page 6, section 15(a), line 20, after the word "rejected." and before the word "Such", insert the following sentences:

"The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property and any conditions of sale as to buildings or structures, or as to the

type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

In any case in which a county or municipality intends to retain an estate or interest in any real property, capital improvement or personal property, in the nature of an easement, contingent or reversionary, the invitation to bid and the advertisements required herein shall require each bidder to submit one bid under Option A and Option B below.

(1) Option A shall be for the real property, capital improvement or personal property subject to the conditions or restrictions imposed, or interest or estate retained, which the county or municipality proposes to retain or impose.

(2) Option B shall be for the real property, capital improvement or personal property to be sold free of all such restrictions, conditions, interests or estates on the part of the county or municipality.

The county or the municipality may elect or reject either or both options and the highest bid for each.”

Amend pages 6, 7 and 8, sections 15(b) and (c), lines 26 to 99, delete the present language and insert in lieu thereof the following:

“(b) At private sale when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:

(1) A sale to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof.

(2) A sale to a person submitting a bid pursuant to subsection (a) of section 15 of this act where all bids have been rejected, provided that the terms and price agreed to shall in no event be less than the highest bid rejected and provided further that the terms and conditions of sale shall remain identical.

(3) A sale by any county or municipality when it has or shall have conveyed its right, title and interest in any real property, capital improvement or personal property not needed for public use, and it was assumed and intended that there should be conveyed a good and sufficient title in fee simple to said real property, capital improvement or personal property, free of all incumbrances and the full consideration has been paid therefor, and it shall thereafter appear that the title conveyed was insufficient or that said county or municipality at the time of said conveyance was not the owner of some estate or interest in said real property, capital improvement or personal property or of some encumbrances thereon and the county or municipality shall thereafter acquire a good and sufficient title in fee simple, free of all encumbrances of said real property, capital improvement or personal property or shall acquire such outstanding estate or interest thereon or outstanding encumbrance thereon and said county or municipality, by resolution of the governing body and without the payment of any additional consideration, has deemed to convey or otherwise transfer to said purchaser, his heirs or assigns, such after-acquired title, or estate or interest in, or encumbrance upon, such real property, capital improvement or personal property to perfect the title or interest previously conveyed.

(4) A sale of an easement upon any real property previously conveyed by any county or municipality, when the governing body of any county by resolution, or any municipality, by ordinance, has elected to release the public rights in the nature of easement, in, on, over or under any real property within the county or the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes.

In the case of any sale of real property hereafter made pursuant to this subsection (b) of section 15 of this act, in no event shall the price agreed upon with the owner be less than the difference between the highest bid accepted for the real property subject to easements (Option A) and the highest bid rejected for the real property not subject to easements (Option B). After the adoption of the resolution or ordinance, and compliance by the owner of said real property with the terms thereof, said real property shall be free, and entirely discharged of and from such rights of the public and of the county or municipality, as the case may be, but no such release shall affect the right of lawful occupancy or use of any such real property by any municipal or private utility to occupy or use any such real property lawfully occupied or used by it.

A list of the property so authorized to be sold, pursuant to this sub-

section (b) of section 15 of this act, together with the minimum prices respectively, as determined by the governing body, shall be included in the resolution or ordinance authorizing the sale, and said list shall be posted on the bulletin board or other conspicuous space in the building which the governing body usually holds its regular meetings, and advertisement thereof made in a newspaper circulating in the municipality or municipalities in which the real property, capital improvement or personal property is situated within 5 days following enactment of said resolution or ordinance. Offers for any or all properties so listed may thereafter be made to the governing body or its designee for a period of 20 days following the advertisement herein required, at not less than said minimum prices, by any prospective purchaser, real estate broker, or other authorized representative. In any such case, the governing body may reconsider its resolution or ordinance, not later than 30 days after its enactment, and advertise the real property, capital improvement, or personal property in question for public sale pursuant to subsection (a) of this section 15.

Any county or municipality selling any real property, capital improvement or personal property pursuant to this subsection (b) of section 15 of this act shall file with the Director of the Division of Local Finance in the Department of Community Affairs, sworn affidavits verifying the publication of advertisements as required by this subsection.

All sales either public or private may be made for cash or upon credit. A deposit not exceeding 1% of the minimum price or value of the property to be sold may be required of all bidders. When made upon credit, the county or municipality may accept a purchase-money mortgage, upon terms and conditions which shall be fixed by the resolution of the governing body; provided, however, that when such mortgage shall be fully payable within 5 years from the date of the sale and shall bear interest at a rate equal to that authorized under Title 31 of the Revised Statutes, as amended and supplemented, and the regulations issued pursuant thereto, or the rate last paid by the county or municipality upon any issue of notes pursuant to the Local Bond Law (chapter 2 of Title 40A of the New Jersey Statutes), which ever is highest. The governing body may, by resolution, fix the time for closing of title and payment of the consideration.

In all sales made pursuant to this section, the governing body of any county or municipality may provide for the payment of a commission to any real estate broker, or authorized representative other than the purchaser actually consummating such sale, but said commissions shall not exceed, in the aggregate, 5% of the sale price, and be paid, where

there has been a public sale, only in the event that the sum of the commission and the highest bid price does not exceed the next highest bid price (exclusive of any realtor's commission).

Source: R. S. 40:32-8, amended 1950, c. 50; 40:60-26, amended 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160; 1946, c. 106; 1947, c. 417; 1948, c. 245; 1957, c. 86; 40:60-27; 40:32-9; 40:60-29; 40:60-37; 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3, s. 1; 1961, c. 96, s. 1; 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96, s. 2; 40:60-36; C. 40:60-38.1 (1964, c. 109).''.

Amend page 8, section 16, lines 1 to 8, delete the present language and insert in lieu thereof the following:

''16. Leasing of county or municipal real property, capital improvements or personal property. Any county or municipality may lease any real property, capital improvement or personal property not needed for public use as set forth in the resolution or ordinance authorizing the lease, other than county or municipal real property otherwise dedicated or restricted pursuant to law, and accept as otherwise provided by law, all such leases shall be made in the manner provided by this section.

(a) In the case of a lease to any private person, said lease shall be made by public letting to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the leasehold is situated by 2 insertions at least once a week during 2 consecutive weeks; the lease publication to be not earlier than 7 days prior to the letting of the lease. The governing body may, by resolution, fix a minimum rental with the reservation of the right, to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the letting of the lease and public notice thereof shall be given of the time of the letting of the lease. Such resolution may provide that upon the completion of the bidding, the highest bid may be accepted or all of the bids may be rejected. It shall also set out the conditions, restrictions and limitations upon the tenancy subject to the lease. Acceptance or rejection of the bid or bids shall be made not later than at the second regular meeting of the governing body following the opening of the bids, and, if the governing body shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such award may be adjourned at the time advertised for not more than one week without readvertising.

(b) In the case of a lease to a public body, the lease may be upon such terms and conditions and for nominal or other consideration as the governing body of the county or municipality shall approve by ordinance or resolution.

(c) In the case of a lease to a non-profit corporation for a public pur-

pose, the lease shall be authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, and may be for nominal or other consideration. Said authorization shall include the nominal or other consideration for the lease; the name of the corporation or corporations who shall be the lessees; the public purpose served by the lessee; the number of persons benefiting from the public purpose served by the lessees, whether within or without the municipality in which the leasehold is located; the term of the lease, and the officer, employee or agency responsible for enforcement of the conditions of the lease. Said ordinance or resolution shall also require any nonprofit corporation holding a lease for a public purpose pursuant to this section, to annually submit a report to the officer, employee or agency designated by the governing body, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and Federal law.”

Amend page 8, section 17, lines 1 to 19, delete the present language and insert in lieu thereof the following:

“17. Purposes for which leases for a public purpose may be made. A leasehold for a term not in excess of 50 years may be made pursuant to this act and extended for an additional 25 years by ordinance or resolution thereafter for any county or municipal public purpose, including, but not limited to:

(a) The provision of fire protection, first aid, rescue and emergency services by an association duly incorporated for such purposes.

(b) The provision of health care or services by a nonprofit clinic, hospital, residential home, out-patient center or other similar corporation or association.

(c) The housing, recreation, education or health care of veterans of any war of the United States by any nonprofit corporation or association.

(d) Mental health, or psychiatric services or education for the mentally ill, mentally retarded, mentally defective by any nonprofit corporation or association.

(e) Any shelter care or services for persons aged 62 or over receiving Social Security payments, pensions, or disability benefits which constitute a substantial portion of the gross income by any nonprofit corporation or association.

(f) Services or care for the education or treatment of cerebral palsy patients by any nonprofit corporation or association.

(g) Any civic or historic programs or activities by duly incorporated historical societies.

(h) Services, education, training, care or treatment of poor or indigent persons or families by any nonprofit corporation or association.

(i) Any activity for the promotion of the health, safety, morals and general welfare of the community of any nonprofit corporation or association.

In no event shall any lease under this section be entered into for, with, or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing, or other profit-making enterprise, nor shall any lease pursuant to this section be entered into with any political, partisan, sectarian, denominational or religious corporation or association, or for any political, partisan, sectarian, denominational or religious purpose. Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87, amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949, c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61, s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75, s. 2); C. 40:60-51.6 (1957, c. 148); C. 40:32-20 (1958, c. 87, amended 1960, c. 185, s. 2; 1963, c. 188, s. 2); R. S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34); R. S. 40:60-43, amended 1962, c. 132; 1964, c. 110); R. S. 40:60-44; 40:60-45; C. 40:60-45.1 (1940, c. 145); C. 40:60-45.2 (1947, c. 316); C. 40:60-45.3 (1950, c. 184 amended 1951, c. 132, s. 2; 1955, c. 130; 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1); C. 40:60-45.4 (1954, c. 184 amended 1966, c. 35); C. 40:60-45.5 (1965, c. 228); C. 40:60-51.11 (1964, c. 71).''

Amend pages 8 and 9, section 18, lines 1 to 22, delete the present language and insert in lieu thereof the following:

''18. Conveyance of real property subject to referendum. In any case in which a county or municipality shall determine, in the case of a municipality, by ordinance and a county, by resolution, that it is in the public interest to convey a title or interest other than a leasehold interest pursuant to sections 16 and 17 of this act, it may convey such title or interest only as provided herein. Said ordinance or resolution shall set out in clear and simple terms, in addition to the matter required by section 16 of this act, a statement of the reasons why a leasehold interest will not adequately serve the public purpose for which a conveyance is to be made. The conveyance may be made subject to such terms and conditions as are directly related to the public purpose to be served and shall include a right of revision to the county or municipality in any case in which the nonprofit corporation or association to whom such real property is conveyed shall fail to comply with said terms or conditions. The ordinance or resolution shall not become operative until approved by a majority of the legal voters of the county or municipality voting

on the proposition at a general election, pursuant to section 19 of this act.”.

Amend page 9, section 19, lines 1 to 15, delete the present language and insert in lieu thereof the following:

“19. Procedure for conveyance of real property for a public purpose.

(a) Public notice of the submission of the proposition shall be given by advertisements signed by the county or municipal clerk and posted in at least 10 public places in the county or municipality and also published in at least 2 newspapers printed or having a substantial circulation in the county or municipality at least 20 days before the election.

(b) The proposition to be submitted shall be placed upon the official ballots to be used at such election in substantially the following form:

‘To vote upon the public question printed below, if in favor thereof mark a cross (×) or plus (+) in the square at the left of the word “YES,” and if opposed thereto mark a cross (×) or plus (+) in the square at the left of the word “NO.”’

	Yes.	‘Shall the following described real property be conveyed, subject to the following described conditions and limitations, to (insert herein the name of the nonprofit corporation to whom the land will be conveyed) for the public purpose of (insert herein the public purpose to be served by the conveyance)? (Here insert short description of the real property).’
	No.	

Amend page 10, section 20, line 20, insert after the word “purposes.” the following sentences:

“For purposes of this section, any land to be exchanged by the county or municipality shall be valued at not less than the amount for which it was acquired or in the case of an acquisition by gift or devise, in an amount of not less than the ‘full and fair value’ of the land as determined by the assessor of the municipality in which it is located pursuant to section 54:4-23 of the Revised Statutes for the tax year in which the land was acquired by the county or the municipality. Any land which shall be conveyed to the county or municipality in exchange for any county or municipal land shall be valued at no more than the ‘full and fair value’ determined for the land by the assessor of the municipality in which the land is located pursuant to section 54:4-23 of the Revised Statutes for the then current tax year. In any case in which the value of the county or municipal land to be exchanged exceeds the value of the land to be received by the county or municipality, the county or municipality shall exact additional cash consideration, as authorized herein, equal to the difference of the 2 values as determined pursuant to this section.”.

Amend page 10, section 21, line 2, after the word "of" and before the word "not", delete the word "lands", and insert in lieu thereof the phrase "real property, capital improvements or personal property".

Amend page 10, section 22, lines 1 to 10, delete the present language and insert in lieu thereof the following:

"OTHER MATTERS

22. Federal aid. Every county or municipality making an acquisition, sale, lease or exchange pursuant to this act may apply for, receive and expend such grants, loans, gifts and aids as may be made available to it for such purposes from any source whatsoever, including, but not limited to, the United States of America or any agency or department thereof; the State of New Jersey or any agency or department thereof; of any political subdivision of this State; or any corporation, person, association or society."

Amend pages 10 and 11, section 23, lines 1 to 23, delete the present language and insert in lieu thereof the following:

"23. Acquisition on behalf of another public body. Any county or municipality may acquire, sell, lease or exchange, pursuant to this act, any real property, capital improvement or personal property in trust for, on behalf of, or as agent for, any other political subdivision or body corporate and politic of this State or the United States of America, or any department or agency thereof, upon such terms and conditions as the governing body of the municipality, by ordinance, or the county, by resolution, shall adopt."

Amend page 11, section 24, lines 1 to 17, delete the present language and insert in lieu thereof the following:

"24. Conflict of interest.

(a) No member of a governing body, officer or employee of any county or municipal agency, board, commission, department or authority exercising powers pursuant to this act, or members of his immediate family, shall participate in, or in any way influence any proceeding before such body involving an acquisition, sale, lease or exchange of any real property, capital improvement or personal property pursuant to this act, if such member, officer or employee has:

(1) Any proprietary or financial interest, either direct or indirect, in the real property, capital improvement or personal property, that is the subject of the proceeding, or

(2) Any business or financial relationship with the owner, contract purchaser or lessee of such real property, capital improvement or personal property or any agent of such parties including, but not limited to, brokers, attorneys, assessors or appraisers.

(b) The governing body of a municipality, by ordinance, or a county, by resolution, shall provide that all members of the governing body or

employees of the county or municipality empowered to prepare or adopt specifications, terms, conditions or related matters for any acquisition, sale, lease, or exchange pursuant to this act shall make a full disclosure in writing of any interest referred to in paragraph (a) above in the county or municipality, that such statement shall be made prior to the considerations of any negotiations or transaction pursuant to this act and shall be filed with the presiding officer of such governing body.

(c) For the purposes of this section 'proprietary or financial interest, either direct or indirect in the real property, capital improvement or personal property' means any form of ownership of or interest in the real property, capital improvement or personal property or of the firm or corporation owning or having interest in the real property, capital improvement or personal property whereby the member or employee would or could receive economic gain as a result of dealing with the real property, capital improvement or personal property or the improvements thereon and whether such ownership or interest is held by the member, officer or employee or by his spouse or by his minor natural, adopted, or stepchildren or by any other relations of the member resident in his home or by his private business firm; provided, however, that the member, officer or employee or his immediate family shall not be considered to have a proprietary or financial interest if such interest is represented by ownership of less than 10% of the authorized and issued stocks or bonds of any particular class of a corporation that owns or has an interest in the real property, capital improvement or personal property.

(d) For the purposes of this section, 'business or financial relationship' shall mean any form of contractual, financial or economic relationship based upon an agreement enforceable at law or in equity between the member, officer or employee, or a member of his immediate family, or his private business firm and the owner, contract purchaser, or leases of such real property, capital improvement or personal property, provided however, that business or financial relationship shall not include ordinary contractual relationships between the member, officer or employee and a public utility for the provision of utility services or between the member, officer or employee and a retail establishment relating to customary credit, time purchase or charge account transactions, nor shall include agreements between the member, officer or employee and any party that are fully executed and complete.

(e) This section shall not be construed to in any way repeal, modify, or prevent the application of existing statutes, ordinances or decisions of general application prohibiting or regulating conflicts of interest of public officials.

(f) The governing body may, by ordinance, adopt additional or supplementary conflict of interest rules not inconsistent with this section. Any person who violates the provisions of this section or of any ordinance adopted under this section shall be subject to immediate removal from office and shall be punishable by fine not to exceed \$1,000.00.

(g) The violation of this section by a member of a governing body shall not be grounds for setting aside any action of the agency, unless (1) a contrary decision would have been reached without the vote of such member, and (2) written notice of such violation is given to the municipal clerk within 2 years of such decision. Any acquisition, sale, lease or exchange made in violation of this section may be set aside by the governing body of the county or municipality if it determines that such an action would be in the best interest of the county or municipality, and the real property, capital improvement or personal property which was the subject of the acquisition, sale, lease or exchange has not subsequently been sold, leased or exchanged to any person not a party to the original transaction and not having notice of any violation of this section at the time it was committed.

(h) 'Member of his immediate family' means (1) the spouse and all minor natural, adopted, and stepchildren of the person, and (2) all other relatives by blood, marriage or adoption if such relatives reside with the person in his home or in one of his houses.''

Amend pages 11, 12 and 13, section 25, lines 1 to 65, delete the present language and insert in lieu thereof the following:

“25. Investigations.

(a) When any real property, capital improvements or personal property shall have been acquired, sold, leased or exchanged by any county or municipality pursuant to this act, and the grand jury sitting in the county shall have presented to the court that there is evidence of failure to fulfill specifications, enforce or impose conditions, restrictions or limitations required herein, or unwarranted preferences in any of the said transactions, which is not sufficient for indictment pursuant to chapter 135 of Title 2A of the New Jersey Statutes, the governing body of the county or municipality shall present to a judge of the Superior Court a request to make a summary investigation into said transactions. The judge may, in his discretion, make such an investigation. The said judge may, in his discretion, appoint experts to prosecute the investigation and cause the result to be published in such manner as he may deem proper. All members, officers, employees and agents of the board, commission, committee or other body making the acquisition, sale, lease or exchange, shall obey the orders of such judge for facilitating the in-

vestigation, and any failure or refusal to obey such orders may be punished by the judge as for contempt.

The costs incurred under this section shall be fixed by the judge, and his order be paid by the disbursing officers of the board, commission, committee or other body whose expenditures have been investigated.

(b) Nothing herein shall in any way limit the power, duty or authority of the Director of the Division of Local Finance from undertaking such investigations, inquiries, or holding of such hearings with regard to any acquisition, sale, lease or exchange pursuant to his act as may be authorized pursuant to the 'Local Government Supervision Act (1947),' P. L. 1947, c. 151 (C. 52:27BB-1 to 52:27BB-100, as amended and supplemented. The director shall present any evidence of any violation of this act, or of chapter 135 of Title 2A of the New Jersey Statutes, or any other act resulting from a transaction pursuant to this act to the prosecutor of the county in which the violation occurred or to the Attorney General forthwith.'".

Source: C. 40:32-4 (1953, c. 37).

Amend page 13, section 27, lines 1 to 9, delete the present language and insert in lieu thereof the following:

"27. Burial grounds for indigents; removal and reinterment of bodies; sale of land.

(a) Whenever a municipality owns lands which have been used for the burial of indigents but have not been used for such purposes for 20 or more years, the governing body of the municipality may, by ordinance, determine that it is for the best interests of the municipality to cause the removal and reinterment of the bodies interred therein to a more suitable place. In the event of any such determination, the governing body of the municipality may, by resolution, provide for the disinterment and reinterment of the said bodies and after the removal of the said bodies if the governing body of the municipality shall, by resolution, determine that the lands from which the bodies have been so removed are not needed for public use may sell or lease the same as in the case of other lands not needed for public use pursuant to the provisions of this act.

(b) Prior to the adoption of an ordinance pursuant to this section, a public hearing thereon shall be held before the governing body which shall be noticed by advertisement published once each week for 2 weeks in a newspaper published or circulating in the municipality. Notice shall also be sent to the last known address of any next of kin of persons to be disinterred pursuant to this section. The notice shall contain a description of the lands involved and of the action proposed by the ordinance.

(c) The cost of the removal of the bodies and of the acquisition of the lands wherein the bodies shall be reinterred shall be deemed to be a municipal expense and municipal funds may be appropriated to provide for the payment of the said expense, or the necessary funds may be provided for by requiring the purchaser of said lands to assume such expense as a condition of the purchase. The next of kin of any person disinterred pursuant to this section may elect to have the body or bodies disinterred, cremated or elsewhere interred at municipal expense.

Source: C. 40:60-51.8; C. 40:60-51.9 (1953, c. 127)."

Amend page 13, section 29, lines 1 to 7, delete section 29 in its entirety.

Amend page 13, section 30, line 1, delete the number "30.", and insert in lieu thereof the number "29."

Amend page 14, section 31, lines 1 to 10, delete section 31 in its entirety and insert in lieu thereof the following:

"30. Construction. The language and terms of this act shall be construed broadly, in order that counties and municipalities may have all of the powers necessary and incident to the efficient and economical execution of their public functions, and in order that the officers and employees of counties and municipalities shall have clear and unambiguous standards of conduct in dealing with public real property, capital improvements or personal property and moneys."

Amend page 14, section 32, lines 1 to 7, delete section 32 in its entirety and insert in lieu thereof the following:

"31. Saving clause. Any acquisition, sale, lease or exchange made prior to the effective date of this act, pursuant to any act repealed or amended pursuant to this act, is hereby validated, confirmed and continued, except that no lease shall be renewed or extended, except in accordance with the provisions of this act."

Amend page 14, section 33, lines 1 to 19, delete section 33 in its entirety.

Amend pages 14 and 15, section 34, lines 1 through 46, delete section 34 in its entirety.

Amend section 34, after line 46 and before section 35, line 1, delete the heading "COUNTIES, COUNTY PARK COMMISSIONS AND MUNICIPALITIES".

Amend pages 15 and 16, section 35, lines 1 through 16, delete section 35 in its entirety.

Amend section 35, after line 16 and before section 36, line 1, delete the heading "COUNTIES".

Amend page 16, section 36, lines 1 to 8, delete section 36 in its entirety.

Amend section 36, after line 8 and before section 37, line 1, delete the heading "CITIES, FIRST AND SECOND CLASS".

Amend page 16, section 37, lines 1 to 6, delete section 37 in its entirety.

Amend page 16, section 38, line 1, delete the number "38.", and insert in lieu thereof the number "32."

Amend page 16, section 38, line 7, insert after "40:60-9;" and before "40:60-26", the following: "40:60-10; 40:60-11; 40:60-12; 40:60-13; 40:60-14; 40:60-15; 40:60-16; 40:60-17; 40:60-18; 40:60-19; 40:60-20; 40:60-21; 40:60-22; 40:60-23; 40:60-24;" and after "40:60-27", and before "40:60-29", insert "40:60-28".

Amend page 17, section 38, line 30, after "(C. 40:60-45.5)", insert ", also L. 1942, c. 138 (C. 40:60-25.1 to 40:60-25.6); L. 1943, c. 33 (C. 40:60-51.2); L. 1944, c. 206 (C. 40:60-25.7 to 40:60-25.17); L. 1944, c. 207 (C. 40:69-4.1 to 40:69-4.12); L. 1946, c. 245 (C. 40:60-25.18 to 40:60-25.26); L. 1946, c. 302 (C. 40:60-25.27 to 40:60-25.32); L. 1947, c. 322 (C. 40:60-28.1); L. 1953, c. 403 (C. 40:60-51.5); L. 1958, c. 118, (C. 40:60-51.7); L. 1958, c. 147 (C. 40:60-25.47 to 40:60-25.50); L. 1962, c. 86 (C. 40:60-49.1); L. 1963, c. 127 (C. 40:60-51.8 to 40:60-51.10); L. 1964, c. 173 (C. 40:60-40.6); L. 1965, c. 133 (C. 40:60-25.51 to 40:60-25.52); L. 1966, c. 298 (C. 40:60-25.54 to 40:60-25.56); L. 1967, c. 11 (C. 40:60-25.57 to 40:60-25.60).".

Amend page 17, section 39, line 1, delete the number "39.", and insert in lieu thereof the number "33."

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1969 SESSION

By Senators BEADLESTON and HAUSER

Referred to Committee on County and Municipal Government

AN ACT concerning counties and municipalities in relation to lands and buildings and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Short title. This act shall be known and be cited as the "Local
2 Lands and Buildings Law."

3 Source: New.

COUNTIES AND MUNICIPALITIES

1 ***[2. "Acquire" to include "acquisition by gift, devise, pur-
2 chase, lease or condemnation." Whenever any county or munici-
3 pality is empowered by law to acquire lands or buildings, or both,
4 such county or municipality may acquire the same by gift, devise,
5 purchase, lease or condemnation unless the method of acquisition is
6 otherwise provided for and whenever any county or municipality
7 is empowered by law to acquire lands or buildings, or both, or to
8 construct any building for any purpose, it may acquire by lease,
9 including an agreement by the lessor to construct a building, any
10 lands or buildings suitable for such purpose.

11 Source: R. S. 40:32-1; 40:60-1.]***

12 ***2. *Definitions. The following words shall have the following*
13 *meanings, unless the context clearly indicates the contrary:*

14 (a) "Acquire" shall include acquisition by gift, devise, pur-
15 chase, lease or condemnation unless otherwise indicated.

16 (b) "Buildings" shall include any building or buildings and any
17 structures, improvements, ingress or egress, grounds or plazas,
18 necessary and incidental to the purpose of the building and the
19 safety, comfort and well-being of its occupants.

20 (c) "Capital improvements" shall include, in addition to build-
21 ings, any structures, fixtures, edifices, byways, parking lots, service
22 facilities, and any other facility necessary and incidental to the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

23 lawful performance of any function of a county or municipality.

24 (d) "County" means any county of this State of whatever class.

25 (e) "Municipality" means any town, township, borough, village
26 or city of whatever class heretofore or hereafter created under
27 general or special charter.

28 (f) "Personal property" shall mean any personal property
29 necessary and incidental to the furnishing, refurnishing or re-
30 furbishing of a building.

31 (g) "Real property" shall include, in addition to the usual
32 connotations thereof, any right, interest or estate in the area ex-
33 tending above any real property, or capital improvement thereon,
34 to such a height or altitude as any title, interest or estate in real
35 property may extend, commonly known as "air rights."

36 (h) "Resolution" or "ordinance" when used in connection with
37 the action of a county or municipality means a resolution or ordi-
38 nance adopted by the governing body of the county or municipality.
39 In any case in which a resolution or ordinance authorizing the ex-
40 penditure of public moneys is required to be approved by any other
41 board, body or commission of the State, county or municipality,
42 "resolution" or "ordinance" shall mean also adopted or approved
43 by the board, body or commission authorized to take such action
44 on behalf of the State, county or municipality.

45 (i) "Sale" shall include the conveyance of any estate, interest,
46 easement or title to, or the waiver, release, or modification of any
47 conditions, restrictions or limitations on any real property, capital
48 improvement or personal property of the county or municipality,
49 but shall not include any lease or exchange of such property.***

1 ***[3. Resolution or ordinance; enactment. "Resolution" or
2 "ordinance" when used in connection with the action of a county or
3 municipality means a resolution or ordinance adopted by the
4 governing body of the county or municipality. In any case in which
5 a resolution or ordinance authorizing the expenditure of public
6 moneys is required to be approved by any other board, body or
7 commission of the county or municipality, "resolution" or "ordi-
8 nance" shall mean also adopted or approved by the board, body
9 or commission authorized to take such action on behalf of the
10 county or municipality.]***

11 Source: New.

***ACQUISITION

12 3. Acquisition of lands and buildings.

13 (a) Any county or municipality may acquire, construct and main-
14 tain such buildings or other capital improvements as may be neces-

15 sary and suitable for the performance of its functions, the accom-
 16 modation of the courts required to be held in the county or
 17 municipality, the conduct of public business and the use of the
 18 county and municipal departments, officers, boards, commissions
 19 and agencies in charge of institutions and facilities and any other
 20 county or municipal public purposes, and from time to time as
 21 necessary, repair, alter, enlarge, rebuild, furnish, refurnish, refur-
 22 bish or rehabilitate such buildings.

23 (b) Any county or municipality may acquire the necessary land
 24 for the construction thereon of buildings or other capital improve-
 25 ments or additions thereto and for suitable surrounding grounds
 26 and parking facilities to be used in connection therewith. Any such
 27 buildings, capital improvements or facilities may be constructed
 28 and maintained upon real property acquired by the county or
 29 municipality.

30 (c) A county or municipality may furnish and equip such build-
 31 ings, improvements and facilities for the proper use thereof and
 32 may from time to time as may be necessary, repair and replace
 33 the furnishings and equipment thereof.

34 Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40-60-6,
 35 amended 1954, c. 39.***

1 ***[4. Acquisition or improvement; maintenance or operation of
 2 property or facility; provision for payment of cost. Whenever
 3 pursuant to law, a county or municipality is authorized to acquire
 4 or improve any property, real or personal, the county or munici-
 5 pality may provide for the payment of the cost of such acquisition
 6 or improvement, or both, in whole or in part, by the incurring of
 7 indebtedness and issuance of bonds in accordance with the "Local
 8 Bond Law," (chapter 2 of Title 40A of the New Jersey Statutes)
 9 or by having provided an appropriation in the annual budget for
 10 the purpose. Whenever pursuant to law a county or municipality
 11 is authorized to maintain or operate any property, real or personal,
 12 or any facility, the county or municipality may provide for the
 13 payment of the cost of such maintenance or operation, or both, by
 14 budget appropriation in the manner provided by law, any sums
 15 obtained from earnings of such property or facility, if any, or from
 16 any other lawful revenue source subject to the provisions of the
 17 "Local Budget Law," (chapter 4 of Title 40A of the New Jersey
 18 Statutes).]***

19 Source: New.

20 ***4. Further acquisitions authorized. Any county or munici-
 21 pality may acquire:

22 (a) Any real property, capital improvement, personal property

23 or any interest or estate whatsoever therein, including easements,
 24 water, water power, or water rights, either within or without the
 25 county or municipality, or

26 (b) Any outstanding easement, right or interest in any real
 27 property, capital improvement or personal property previously
 28 acquired by the county or municipality which the governing body
 29 shall determine to be necessary or useful for the proper exercise of
 30 any power conferred or duty imposed upon the county or munic-
 31 ipality by this or any other law; but this section shall not operate,
 32 or be construed, to repeal or supersede any law requiring the con-
 33 sent of any other county or municipality, or any State authority,
 34 department, agency or commission for the acquisition of any such
 35 property.

36 Source: R. S. 40:32-2; 40:60-2.***

1 ***[5. Buildings, acquisition of land for; construction and main-
 2 tenance. Any county or municipality may purchase, or otherwise
 3 acquire or construct and may maintain such buildings as may be
 4 necessary and suitable for the accommodation of the courts required
 5 to be held in the county or municipality, the conduct of public busi-
 6 ness, and the use of the county and municipal departments, officers,
 7 boards, commissions and agencies in charge of institutions and
 8 facilities and any other county or municipal public purposes, and
 9 from time to time as necessary, repair, alter, enlarge or rebuild
 10 such buildings. Any municipal building may be used as a United
 11 States post office.

12 Any county or municipality may acquire the necessary land for
 13 the construction thereon of buildings or additions thereto and for
 14 suitable surrounding grounds and parking facilities to be used in
 15 connection therewith. Any such buildings and facilities may be
 16 constructed and maintained upon real property owned or leased
 17 by the county or municipality and not needed for other public use.

18 The county or municipality may furnish and equip such buildings
 19 and facilities for the proper use thereof and may from time to time
 20 as may be necessary, repair and replace the furnishings and equip-
 21 ment thereof.

22 Source: R. S. 40:32-3, amended 1955, c. 62; 1965, c. 150; 40:60-6,
 23 amended 1954, c. 39.]***

24 ***5. Additional powers. Any county, by resolution, or any
 25 municipality, by ordinance, may provide for the acquisition of any
 26 real property, capital improvement, or personal property, other
 27 than by condemnation:

28 (a) By purchase, gift, devise, lease, exchange, or condemnation;

29 (b) Subject to lawful conditions, restrictions or limitations as to

30 its use by the county or municipality, provided the governing body
 31 accepts such lawful conditions, restrictions or limitations. When
 32 any county or municipality shall have acquired any real property,
 33 capital improvement or personal property upon any lawful con-
 34 dition, restriction or limitation, it is hereby authorized to take such
 35 steps as may be necessary and proper to the compliance by the
 36 county or municipality with such lawful conditions, restrictions or
 37 limitations;

38 (c) Whenever the governing body of any county or municipality
 39 to which there has been conveyed any real property, capital im-
 40 provement, or personal property subject to such lawful conditions,
 41 restrictions or limitations shall by ordinance, in the case of a mu-
 42 nicipality, and by resolution, in the case of a county, determine
 43 that said real property, capital improvement or personal property
 44 can no longer be used advantageously for the purposes for which
 45 the same were acquired by the county or municipality, said county
 46 or municipality may, by ordinance or resolution, authorize the sale
 47 or exchange pursuant to section 15 of this act of the interest of the
 48 county or municipality in said real property, capital improvement
 49 or personal property to the person from whom the same was
 50 acquired;

51 (d) Whether the acquisition of any real property is by lease,
 52 purchase, or exchange, the governing body may require the con-
 53 struction or repair of any capital improvement as a condition of
 54 acquisition.

55 Any county or municipality having acquired any real property,
 56 capital improvement or personal property or any estate or interest
 57 therein, which acquisition or estate or interest shall have become
 58 unsuited or inconvenient for the use for which it was acquired,
 59 may, at any time convert a portion or the whole thereof to any
 60 other public use unless otherwise provided by law or by the terms
 61 of acquisition.

62 Source: R. S. 40:32-2; 40:60-2; C. 40:60-27.4 (1950, c. 7); R. S.
 63 40:32-10, amended 1953, c. 119; 40:60-37; 40:60-38; 40:60-9.***

1 ***[6. Acquisition of lands, and interests therein; and water and
 2 water rights; outstanding interests in lands; entry and examina-
 3 tion. Every county or municipality may acquire:

4 (a) Any real property or any interest or estate whatsoever
 5 therein, including easements, water or water rights, either
 6 within or without the county or municipality, or

7 (b) Any outstanding easement, right or interest in any real
 8 property of the county or municipality,

9 which the governing body shall determine to be necessary or useful

10 for the proper exercise of any power conferred upon the county
 11 or municipality by this or any other law; but this section shall not
 12 operate, or be construed, to repeal or supersede any law requiring
 13 the consent of any other county or municipality, or of any State
 14 authority for the acquisition of any such property. Any county
 15 or municipality, proposing to acquire any such property, may enter
 16 upon the same at any time, by their engineers, surveyors and
 17 agents, to make reasonable examinations, surveys and explorations,
 18 being liable to the owner and tenants for any damage.

19 Source: R. S. 40:32-2; 40:60-2.]***

20 ***6. *Authorization to incur indebtedness and make appropri-*
 21 *tions.*

22 (a) *Whenever, pursuant to law, a county or municipality is*
 23 *authorized to acquire or improve any real property or capital im-*
 24 *provement, or both, or any personal property, the county or munici-*
 25 *pality may provide for the payment of the cost of such acquisition*
 26 *or improvement, or both, in whole or in part, by the incurring of*
 27 *indebtedness and issuance of bonds in accordance with the "Local*
 28 *Bond Law," (chapter 2 of Title 40A of the New Jersey Statutes)*
 29 *or by having provided an appropriation in the annual budget for*
 30 *the purpose, pursuant to the provisions of the "Local Budget Law,"*
 31 *(chapter 4 of Title 40A of the New Jersey Statutes).*

32 (b) *Whenever, pursuant to law, a county or municipality is au-*
 33 *thorized to maintain or operate any real property, capital improve-*
 34 *ment, or personal property, or any facility, the county or municipal-*
 35 *ity may provide for the payment of the cost of such maintenance or*
 36 *operation, or both, by budget appropriation in the manner provided*
 37 *by law, any sums obtained from earnings of such property or facil-*
 38 *ity, if any, or from any other lawful revenue source, pursuant to the*
 39 *provisions of the "Local Budget Law" (chapter 4 of Title 40A of*
 40 *the New Jersey Statutes).****

1 ***[7. Property acquired subject to conditions; departmental
 2 control. Any county, by resolution, or any municipality, by ordi-
 3 nance, may provide for the acquisition of any real or personal prop-
 4 erty, other than by condemnation, subject to conditions or limita-
 5 tions as to its use by the county or municipality or subject to
 6 restrictions, imposed by the person from whom the property is
 7 acquired, or by any previous owner, provided the governing body
 8 accepts such conditions or limitations. When any county or munici-
 9 pality shall have acquired any real or personal property, upon con-
 10 dition that it be used for 2 or more purposes, which would subject
 11 the property to the liability of separate parties to taxation, the

12 governing body of the county or municipality may designate the
 13 board or department to control and manage the same, or create a
 14 new board or department for such purpose, but subject to all the
 15 said conditions or limitations.

16 Source: R. S. 40:60-9.】***

17 ***7. *Subsequent acquisition of outstanding interests. Any*
 18 *county or municipality having acquired any real property, capital*
 19 *improvement or personal property or any estate or interest therein*
 20 *subject to any lawful conditions, restrictions or limitations upon its*
 21 *use may subsequently acquire such outstanding interest.*

22 *In any case in which a county or municipality seeks to acquire*
 23 *such interest or estate by purchase or condemnation, the amount to*
 24 *be paid to the owner of the reversionary or other private right or*
 25 *estate or expectancy shall be the value of such right, subject to the*
 26 *continued use of the property for the purpose or purposes for which*
 27 *it was acquired by the county or municipality.*

28 Source: R. S. 40:60-38.***

1 ***[8. Acquisition of outstanding interests in lands owned. Any
 2 county or municipality having acquired any estate or interest in
 3 land subject to an outstanding interest therein of any character
 4 may acquire by purchase or condemnation such outstanding
 5 interest.

6 In any such condemnation in determining the amount to be paid
 7 to the owner of the outstanding interest there may be taken into
 8 consideration changes in the use, if any, of the land in question.

9 Source: R. S. 40:60-38.】***

10 ***8. *Procedure for acquisition. A county or municipality may*
 11 *acquire any real property, capital improvement or personal prop-*
 12 *erty only in accordance with the provisions of this act and only in*
 13 *the manner provided by this section.*

14 (a) *In the case of an acquisition by gift or devise, a county or*
 15 *municipality shall only accept title to such gift or devise by an ordi-*
 16 *nance in the case of a municipality, or by resolution, in the case of a*
 17 *county, setting out therein (1) the use or purpose to which the ac-*
 18 *quisition by gift or devise shall be applied, and (2) the name of the*
 19 *donor or deviser, and (3) any conditions, restrictions or limitations*
 20 *imposed upon, or estate or interest retained in the acquisition, and*
 21 *the acceptance by the governing body of said limitations or condi-*
 22 *tions, and (4) an estimate by the fiscal officer of the municipality of*
 23 *the present and foreseeable benefits and costs, and the net benefit*
 24 *or cost of the acquisition to the county or municipality in operating*
 25 *revenues or expenses, maintenance, depreciation or other costs, in-*
 26 *cluding potential tax revenues.*

27 (b) In the case of an acquisition by purchase or lease, a county
28 or municipality shall make such acquisition by an ordinance, in the
29 case of a municipality, or by resolution, in the case of a county,
30 setting out therein (1) the use or purpose to which the acquisition
31 shall be put or applied, and (2) the name of the vendor or lessor,
32 and (3) any conditions, restrictions or limitations imposed on, or
33 estate or interest retained in the acquisition, and the acceptance by
34 the governing body of said conditions or limitations, and (4) the
35 price to be paid by the county or municipality. In such a case, the
36 county or municipality shall determine the price to be paid at an
37 amount not in excess of the "full and fair value" of the real prop-
38 erty or capital improvement, as determined by the assessor of the
39 municipality in which the real property or capital improvement is
40 located for the then current tax year pursuant to section 54:4-23 of
41 the Revised Statutes. In making a determination of the "full and
42 fair value" pursuant to this section a county or municipality may,
43 in any case where the real property or capital improvement to be
44 purchased or leased is less than a full parcel, apportion the value of
45 the property on a pro-rata basis, and the value of a lease by capital-
46 ization.

47 A county or municipality may determine and pay a higher price
48 upon agreement by the vendor or lessor to pay to the collector of
49 taxes in the municipality in which the real property or capital im-
50 provement is located, the difference between the real property taxes
51 paid on the land or other property and the amount which would have
52 been payable had the value of the real or other property been deter-
53 mined at the amount to be paid by the county or municipality and
54 entered as the "full and fair value" determined by the assessor
55 pursuant to section 54:4-23 of the Revised Statutes for each of the
56 10 preceding tax years; and such back taxes due and payable as so
57 recomputed are paid pursuant to the provisions of chapter 4 of
58 Title 54 of the Revised Statutes.

59 (c) In the case of acquisition by condemnation, the acquisition
60 shall be made in the manner provided by Title 20 of the Revised
61 Statutes.

62 (d) Section 20:1-9 of the Revised Statutes is amended to read as
62A follows:

63 20:1-9. The commissioners shall take and subscribe an oath
64 faithfully and impartially to examine the matter in question and
65 make a true report according to the best of their skill and under-
66 standing. Thereafter they shall meet at the time and place ap-
67 pointed and proceed to view and examine the land or other property
68 and make a just and equitable appraisalment of the value of the
69 same, and an assessment of the amount to be paid by the petitioner

70 for the land or other property and damage as aforesaid, as of the
 71 date of the commencement of the act for condemnation or, if the
 72 land or other property is being acquired in connection with develop-
 73 ment or redemption of a blighted area, then in that event, the value
 74 of any property sought to be acquired shall be fixed and deemed to
 75 be no less than the value as of the date of the declaration of blight
 76 by the governing body upon a report by a planning board.

77 In the event that the commissioners shall determine upon the
 78 evidence before them a value of any land or other property, in
 79 excess of the "full and fair value" or, in the case of a partial taking,
 80 the pro-rata share of the "full and fair value" of any parcel, deter-
 81 mined by the assessor of the municipality in which the land or other
 82 property is located for the then current tax year pursuant to section
 83 54:4-23 of the Revised Statutes, the commissioners shall deduct
 84 from the award an amount equal to the difference between the real
 85 property taxes paid on the real or other property and the amount
 86 which would have been payable had the value determined by the
 87 commissioners been used by the assessor as the "full and fair
 88 value" of the land or other property pursuant to section 54:4-23 of
 89 the Revised Statutes for each of the preceding 10 tax years. For
 90 purposes of this computation, the commissioners may take into
 91 account any increase or decrease in value as they have determined
 92 it during the period in question, or may assume a constant ratio
 93 between the "full and fair value" as determined by the assessor
 94 and the value determined by the commissioners. The commissioners
 95 shall then direct that the amount determined pursuant to this para-
 96 graph be paid to the collector of taxes of the municipality in which
 97 the land or other property is located along with such interest or
 98 costs as shall be payable pursuant to chapter 4 of Title 54 of the
 99 Revised Statutes.***

1 9. Acquisition of interests in lieu of enforcement of claims. When
 2 a county or municipality has or shall have acquired a lien or other
 3 interests by judgment, mortgage, tax, assessment, sale for taxes
 4 or assessments, or otherwise, against any real property, the county
 5 or municipality may purchase or otherwise acquire said real prop-
 6 erty or any interest therein, or any lien thereon, without the
 7 necessity of taking or completing the necessary proceedings in any
 8 court of competent jurisdiction to enforce its lien or to obtain
 9 satisfaction for its interest in said real property.

10 The consideration to be paid by such acquisition shall not exceed
 11 in any one case the approximate amount of the cost of the proceed-
 12 ings ordinarily incidental to the enforcement of the lien, or to
 13 obtain satisfaction for its interest in said real property, to be

14 determined by resolution of the governing body of said county or
 15 municipality, except that in the case of the purchase or release of
 16 ***[an inheritance or estate]*** ***any*** tax lien of the State of
 17 New Jersey on real property, or of any right, title, interest or estate
 18 of the State in real property, arising out of ***[a transfer inher-
 19 ance or estate]*** ***any*** tax lien created or existing under
 20 ***[subtitle 5 of]*** Title 54 of the Revised Statutes, the consider-
 21 ation to be paid for the purchase or release of said lien or the
 22 assignment or the conveyance of the right, title, interest or estate
 23 of the State shall be such amount as may be agreed upon between
 24 the governing body of the county or municipality and the Director
 25 of the Division of Taxation in the Department of the Treasury, not
 26 exceeding the total amount of the ***[transfer inheritance or
 27 estate]*** tax assessed, with interest and costs, and the director is
 28 hereby authorized when in his judgment such action will better
 29 serve the interests of the State and the county or municipality (a)
 30 to propose a settlement and receive payment in satisfaction thereof,
 31 in an amount less than the ***[transfer inheritance or estate]***
 32 tax assessed with interest and costs, and (b) to apportion said
 33 taxes, interest and costs in those cases where more than one parcel
 34 of property is involved.

35 Source: R. S. 40:60-3, amended 1940, c. 140; 1943, c. 39.

1 10. Joint departmental acquisitions and joint use of buildings.
 2 Any county or municipality may provide for the construction and
 3 maintenance of one or more buildings and structures for the use
 4 of any department or for the joint use of 2 or more departments
 5 and may acquire suitable land therefor. Where in any municipality
 6 there is a board having certain governmental functions as well as
 7 a governing body any 2 or more such bodies may join in the pur-
 8 chase or condemnation of land and the construction and mainte-
 9 nance of buildings for common use by such departments, parts
 10 thereof, or officers of the bodies so joining. Any such governing
 11 body may permit any such other body thereof the use of any land
 12 or building, or part thereof, controlled by it upon such terms as
 13 may be mutually agreed upon.

14 Source: R. S. 40:60-8.

1 ***[11. Temporary quarters. Any county or municipality may
 2 lease, temporarily, any suitable building for any county or munici-
 3 pal offices, officers or departments when needed by reason of the de-
 4 struction, alteration, repairing or inadequacy of any county or
 5 municipal building.

6 Source: R. S. 40:60-7.]***

7 ***11. *Joint purchase of lands and construction of buildings or*
 8 *other capital improvements for joint use. Any county or municipi-*
 9 *pality therein may acquire land and construct thereon a building*
 10 *or buildings or other capital improvements for their joint use.*
 11 *Title thereto shall be taken in the manner and their respective uses*
 12 *provided by agreement between the governing bodies of the county*
 13 *and municipality. The expense of acquisition of such land and the*
 14 *construction of a building or buildings or other capital improve-*
 15 *ments and of the maintenance thereof shall be divided between the*
 16 *county and municipality in such manner as the governing bodies*
 17 *shall agree upon.*

18 *Source: R. S. 40:32-25.****

1 ***[12. *Joint purchase of lands and construction of buildings for*
 2 *joint use. Any county or municipality therein may acquire land*
 3 *and construct thereon a building or buildings for their joint use.*
 4 *Title thereto shall be taken in the manner and their respective uses*
 5 *provided by agreement between the governing bodies of the county*
 6 *and municipality. The expense of acquisition of such land and the*
 7 *construction of a building or buildings and of the maintenance*
 8 *thereof shall be divided between the county and municipality in*
 9 *such manner as the governing bodies shall agree upon.*

10 *Source: R. S. 40:32-5.]****

11 ***12. *Temporary quarters. Any county or municipality may*
 12 *lease, temporarily, any suitable building, when needed by reason*
 13 *of the destruction, alteration, repairing or inadequacy of any*
 14 *county or municipal building, but no lease under this section shall*
 15 *extend beyond the period reasonably necessary for the alteration,*
 16 *repair or construction of an adequate county or municipal building.*

17 *Source: R. S. 40:60-7.****

[MUNICIPALITIES]

1 ***[13. *Establishing of plazas and open spaces for public travel.*
 2 *Any municipality, by ordinance, may provide for the acquisition*
 3 *of lands therein for the purpose of establishing plazas and open*
 4 *spaces for the convenience of the travelling public and for the*
 5 *improvement and establishing thereof.*

6 *Source: R. S. 40:60-5.]****

7 ***13. *Early land acquisition. Any county, by resolution, or*
 8 *municipality, by ordinance, may acquire real property and any*
 9 *estate or interest therein, including a lease with option to purchase,*
 10 *which the governing body shall determine will be necessary or*
 11 *useful for the proper exercise of any power conferred upon the*
 12 *county or municipality by this or any other law, notwithstanding*

13 *that the county or municipality will not make use of such estate or*
 14 *interest for a period not exceeding 10 years if:*

15 *(a) In the case of a county or municipality, (1) the county or*
 16 *municipality has adopted a capital budget pursuant to New Jersey*
 17 *Statutes 40A:4-43 to 45 which shall include a program or project*
 18 *for the expenditure of public funds for capital purposes requiring,*
 19 *or likely requiring, the acquisition of such real property, and (2)*
 20 *the proposed use for which the real property may be acquired is*
 21 *in conformity with both the zoning ordinance and master plan of*
 22 *the municipality, where such have been adopted, and*

23 *(b) In the case of a county, the county shall enter into an agree-*
 24 *ment for payments in lieu of taxes with the municipality, in which*
 25 *case said payments shall not be less than the aggregate amount*
 26 *paid by all real property acquired by the county at the time of*
 27 *acquisition. Said agreement may be limited to the period during*
 28 *which the county has not initiated the program or project of ex-*
 29 *penditure of public funds for capital purposes adopted pursuant*
 30 *to its capital budget.*

31 *During the period prior to the initiation of a program or project*
 32 *for the expenditure of public funds for capital purposes pursuant*
 33 *to the capital budget of the county or municipality, the county or*
 34 *municipality shall have all the powers and duties of a private per-*
 35 *son for purposes of collection of rents, fees, service charges and*
 36 *the provision of safe, decent and sanitary housing, section 28 to*
 37 *the contrary notwithstanding. Housing facilities in being at the*
 38 *time of acquisition shall be operated, maintained and improved by*
 39 *the county or municipality, or where the county or municipality so*
 40 *elects, by a county or municipal housing authority created pursuant*
 41 *to the Local Housing Authorities Law, (P. L. 1938, c. 19).****

1 14: Acquisition of property in other States; necessity for and
 2 manner of acquisition. When a ***county, by resolution, or***
 3 municipality ***, by ordinance,*** determines that ***any real***
 4 property located in a foreign State is necessary to the beneficial
 5 use of property in this State owned by the ***county or*** munici-
 6 pality it may acquire such property located in a foreign State***[.
 7 Title thereto may be acquired]*** ***,*** either in the corporate
 8 name of the ***county or*** municipality or in the name of a
 9 trustee for the ***county or*** municipality.

10 ****(a) The governing body of a county or municipality acquiring*
 11 *real property pursuant to this section, or which has acquired real*
 12 *property pursuant to section 40:60-4 of the Revised Statutes, shall*
 13 *annually file with the Division of Local Finance in the Department*
 14 *of Community Affairs a resolution indicating the location of the*
 15 *property acquired pursuant to this section, its cost, the real parties*

16 *in interest from whom the real property was purchased; the cost*
 17 *of operating or maintaining any improvements or facilities thereon*
 18 *(including taxes); and the purpose for which it was purchased.*

19 (b) *In any case in which real property has been acquired pur-*
 20 *suant to this section, and is determined by a county, by resolution*
 21 *or a municipality, by ordinance, to no longer be necessary to the*
 22 *beneficial use of property in this State, said property shall be sold*
 23 *pursuant to the provisions of section 15 of this act. Such a deter-*
 24 *mination shall be made in any case in which the real property in*
 25 *this State owned by the county or municipality, for whose beneficial*
 26 *use of which the real property located in the foreign State is pur-*
 27 *chased, shall have been sold or exchanged by the county or*
 28 *municipality.****

29 Source: R. S. 40:60-4.

[COUNTIES AND MUNICIPALITIES]

SALE, LEASE OR EXCHANGE

1 15. Sales of ***[lands or buildings]*** ****real property, capital*
 2 *improvements or personal property****; exceptions; procedure.
 3 Any county or municipality may sell any ***[lands or build-
 4 ings]*** ****real property, capital improvements or personal prop-*
 5 *erty****, or interests therein, not needed for public use, as set forth
 6 in the resolution or ordinance authorizing the sale, other than
 7 ****county or**** municipal lands ***[used for public highways or
 7A *places or for park purposes]**** ****real property otherwise dedi-*
 7B *cated or restricted pursuant to law,**** and, except as otherwise
 7C provided by law, all such sales shall be made by one of the following
 7D methods:

8 (a) By public sale to the highest bidder after advertisement
 9 thereof in a newspaper circulating in the municipality or munici-
 10 palities in which the lands are situated by 2 insertions at least
 11 once a week during 2 consecutive weeks, the last publication to be
 12 not earlier than 7 days prior to such sale. In the case of public
 13 sales, the governing body may by resolution fix a minimum price,
 14 ****or prices,**** with or without the reservation of the right, to
 15 reject all bids where the highest bid is not accepted. Notice of
 16 such reservation shall be included in the advertisement of the sale
 17 and public notice thereof shall be given at the time of sale. Such
 18 resolution may provide, without fixing a minimum price, that upon
 19 the completion of the bidding, the highest bid may be accepted or
 20 all the bids may be rejected. ****The invitation to bid may also*
 21 *impose restrictions on the use to be made of such real property,*
 22 *capital improvement or personal property and any conditions of*

23 *sale as to buildings or structures, or as to the type, size, or other*
 24 *specifications of buildings or structures to be constructed thereon,*
 25 *or as to demolition, repair, or reconstruction of buildings or struc-*
 25A *tures, and the time within which such conditions shall be operative,*
 25B *or any other conditions of sale in like manner and to the same extent*
 25C *as by any other vendor. Such conditions shall be included in the*
 25D *advertisement, as well as the nature of the interest retained by the*
 25E *county or municipality. Such restrictions or conditions shall be*
 25F *related to a lawful public purpose and encourage and promote fair*
 25G *and competitive bidding of the county or municipality and shall*
 25H *not, in the case of a municipality, be inconsistent with or impose*
 25I *a special or higher standard than any zoning ordinance or building,*
 25J *plumbing, electrical, or similar code or ordinance then in effect in*
 25K *the municipality.*

25L *In any case in which a county or municipality intends to retain*
 25M *an estate or interest in any real property, capital improvement or*
 25N *personal property, in the nature of an easement, contingent or*
 25O *reversionary, the invitation to bid and the advertisements required*
 25P *herein shall require each bidder to submit one bid under each Option*
 25Q *A and Option B below.*

25R (1) *Option A shall be for the real property, capital improvement*
 25S *or personal property subject to the conditions or restrictions im-*
 25T *posed, or interest or estate retained, which the county or munici-*
 25U *pality proposes to retain or impose.*

25V (2) *Option B shall be for the real property, capital improvement*
 25W *or personal property to be sold free of all such restrictions, condi-*
 25X *tions, interests or estates on the part of the county or municipality.*

25Y *The county or the municipality may elect or reject either or both*
 25Z *options and the highest bid for each.*** Such acceptance or re-*
 25AA *jection shall be made not later than at the second regular meeting*
 25BB *of the governing body following the sale, and, if the governing*
 25CC *body shall not so accept such highest bid, or reject all bids, said*
 25DD *bids shall be deemed to have been rejected. Any such sale may be*
 25EE *adjourned at the time advertised for not more than 1 week with-*
 25FF *out readvertising.*

26 ***[(b) *At private sale when authorized by resolution, in the case*
 27 *of a county, or by ordinance, in the case of a municipality, to be*
 28 *made during a specified period of time, on terms and at a minimum*
 29 *sale price for each property so to be sold, as fixed in such resolu-*
 30 *tion or ordinance. A list of the properties so authorized to be sold,*
 31 *together with the minimum prices respectively, as determined by*
 32 *the governing body, shall be included in the resolution or ordinance*
 33 *and said list shall be posted on the bulletin board or other con-*

34 spicuous space in the building in which the governing body usually
35 holds its regular meetings. Additional copies of said list shall be
36 made available for distribution. Offers for any or all properties
37 so listed may be made to the governing body, during the period
38 so specified, at not less than said minimum prices, by any prospec-
39 tive purchaser, real estate broker, or other authorized representa-
40 tive. The commission to be paid to any such broker or authorized
41 representative consummating a sale, other than the purchaser, shall
42 be not more than 5% of the sale price, and may be paid out of the
43 down payment on account of the purchase price.

44 Upon the acceptance of any such offer by the governing body
45 an official or officials shall be designated by resolution of the gov-
46 erning body to consummate the sale and upon ratification of the
47 action of such official or officials by the governing body by resolu-
48 tion at a regular meeting the sale in all respects shall become
49 effective.

50 (c) At private sale, upon any offer being made by any person
51 to the county or municipality to purchase any such property, which
52 offer shall be submitted to and considered by the governing body
53 at a regular or special meeting, and said governing body may then
54 reject said offer, or may approve the same subject to final approval
55 at a later public meeting of said governing body to be held not
56 less than 10 days thereafter. Notice of said later meeting, contain-
57 ing the offer of purchase with a description of the land to be sold,
58 the amount offered and the terms and conditions of the sale, shall
59 be published at least once in a newspaper circulating in the mu-
60 nicipality in which the lands are situated, not less than 2 nor more
61 than 10 days before said later meeting. At said further meeting
62 the said offer to purchase said property shall be considered by the
63 governing body, which may then reject the offer, or may approve
64 the said sale under the terms and conditions offered, or a modifi-
65 cation thereof, if no greater sum or better terms shall then be bid
66 for said property by said person or by any other person the sale
67 shall be made to the highest bidder or the bidder offering the most
68 advantageous terms as determined by said governing body. The
69 governing body may then authorize the proper officers to consum-
70 mate the sale.

71 All sales, either public or private, may be made for cash or upon
72 credit. When made upon credit, the county or municipality may
73 accept a purchase money mortgage, upon terms and conditions
74 which shall be fixed by the resolution of the governing body; pro-
75 vided, however, that any such mortgage shall be fully payable
76 within 5 years from the date of the sale and shall bear interest at

77 a rate not less than 5% per annum. The governing body may also
 78 impose restrictions on the use to be made of such land and any
 79 conditions of sale as to buildings or structures, or as to the type,
 80 size, or other specifications of buildings or structures to be con-
 81 structed thereon, or as to demolition, repair, or reconstruction of
 82 buildings or structures, and the time within which such conditions
 83 shall be operative, or any other conditions of sale in like manner
 84 and to the same extent as by any other vendor; provided, however,
 85 that any conditions for the payment of the consideration upon
 86 credit and the restrictions on the use to be made of the land, and
 87 the conditions of sale shall be set forth at length in any advertise-
 88 ment of sale hereinabove required. The governing body may by
 89 resolution fix the time for closing of title and payment of the con-
 90 sideration.

91 In all sales made pursuant to paragraphs (a) or (c) of this sec-
 92 tion, the governing body of any county or municipality may provide
 93 for the payment of a commission to any real estate broker or other
 94 authorized representative other than the purchaser actually con-
 95 summing such sale, but said commissions shall not exceed 5% of
 96 the sale price.

97 Source: R. S. 40:32-8, amended 1950, c. 50; 40:60-26, amended
 98 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160; 1946, c. 106; 1947,
 99 c. 417; 1948, c. 245; 1957, c. 86; 40:60-27.]***

100 ****(b) At private sale when authorized by resolution, in the case*
 101 *of a county, or by ordinance, in the case of a municipality, in the*
 102 *following cases:*

103 (1) *A sale to any political subdivision, agency, department,*
 104 *commission, board or body corporate and politic of the State of*
 105 *New Jersey or to an interstate agency or body of which the*
 106 *State of New Jersey is a member or to the United States of*
 107 *America or any department or agency thereof.*

108 (2) *A sale to a person submitting a bid pursuant to subsec-*
 109 *tion (a) of section 15 of this act where all bids have been re-*
 110 *jected, provided that the terms and price agreed to shall in no*
 111 *event be less than the highest bid rejected and provided further*
 112 *that the terms and conditions of sale shall remain identical.*

113 (3) *A sale by any county or municipality when it has or*
 114 *shall have conveyed its right, title and interest in any real prop-*
 115 *erty, capital improvement or personal property not needed for*
 116 *public use, and it was assumed and intended that there should*
 117 *be conveyed a good and sufficient title in fee simple to said real*
 118 *property, capital improvement or personal property, free of all*
 119 *incumbrances and the full consideration has been paid therefor,*

120 and it shall thereafter appear that the title conveyed was in-
121 sufficient or that said county or municipality at the time of said
122 conveyance was not the owner of some estate or interest in said
123 real property, capital improvement or personal property or of
124 some encumbrances thereon and the county or municipality
125 shall thereafter acquire a good and sufficient title in fee simple,
126 free of all encumbrances of said real property, capital improve-
127 ment or personal property or shall acquire such outstanding
128 estate or interest thereon or outstanding encumbrance thereon
129 and said county or municipality, by resolution of the governing
130 body and without the payment of any additional consideration,
131 has deemed to convey or otherwise transfer to said purchaser,
132 his heirs or assigns, such after-acquired title, or estate or in-
133 terest in, or encumbrance upon, such real property, capital
134 improvement or personal property to perfect the title or
135 interest previously conveyed.

136 (4) A sale of an easement upon any real property previously
137 conveyed by any county or municipality, when the governing
138 body of any county by resolution, or any municipality, by or-
139 dinance, has elected to release the public rights in the nature
140 of easements, in, on, over or under any real property within
141 the county or the municipality, as the case may be, upon such
142 terms as shall be agreed upon with the owner of such lands, if
143 the use of such rights is no longer desirable, necessary or re-
144 quired for public purposes.

145 In the case of any sale of real property hereafter made pur-
146 suant to this subsection (b) of section 15 of this act, in no event
147 shall the price agreed upon with the owner be less than the
148 difference between the highest bid accepted for the real prop-
149 erty subject to easements (Option A) and the highest bid re-
150 jected for the real property not subject to easements (Option
151 B). After the adoption of the resolution or ordinance, and
152 compliance by the owner of said real property with the terms
153 thereof, said real property shall be free, and entirely dis-
154 charged of and from such rights of the public and of the county
155 or municipality, as the case may be, but no such release shall
156 affect the right of lawful occupancy or use of any such real
157 property by any municipal or private utility to occupy or use
158 any such real property lawfully occupied or used by it.

159 A list of the property so authorized to be sold, pursuant to this
160 subsection (b) of section 15 of this act, together with the minimum
161 prices respectively, as determined by the governing body, shall be
162 included in the resolution or ordinance authorizing the sale, and

163 said list shall be posted on the bulletin board or other conspicuous
164 space in the building which the governing body usually holds its
165 regular meetings, and advertisement thereof made in a newspaper
166 circulating in the municipality or municipalities in which the real
167 property, capital improvement or personal property is situated
168 within 5 days following enactment of said resolution or ordinance.
169 Offers for any or all properties so listed may thereafter be made to
170 the governing body or its designee for a period of 20 days following
171 the advertisement herein required, at not less than said minimum
172 prices, by any prospective purchaser, real estate broker, or other
173 authorized representative. In any such case, the governing body
174 may reconsider its resolution or ordinance, not later than 30 days
175 after its enactment, and advertise the real property, capital im-
176 provement, or personal property in question for public sale pur-
177 suant to subsection (a) of this section 15.

178 Any county or municipality selling any real property, capital im-
179 provement or personal property pursuant to this subsection (b) of
180 section 15 of this act shall file with the Director of the Division of
181 Local Finance in the Department of Community Affairs, sworn
182 affidavits verifying the publication of advertisements as required
183 by this subsection.

184 All sales either public or private may be made for cash or upon
185 credit. A deposit not exceeding 1% of the minimum price or value
186 of the property to be sold may be required of all bidders. When
187 made upon credit, the county or municipality may accept a pur-
188 chase-money mortgage, upon terms and conditions which shall be
189 fixed by the resolution of the governing body; provided, however,
190 that when such mortgage shall be fully payable within 5 years from
191 the date of the sale and shall bear interest at a rate equal to that
192 authorized under Title 31 of the Revised Statutes, as amended and
193 supplemented, and the regulations issued pursuant thereto, or the
194 rate last paid by the county or municipality upon any issue of notes
195 pursuant to the Local Bond Law (chapter 2 of Title 40A of the
196 New Jersey Statutes), whichever is highest. The governing body
197 may, by resolution, fix the time for closing of title and payment of
198 the consideration.

199 In all sales made pursuant to this section, the governing body of
200 any county or municipality may provide for the payment of a com-
201 mission to any real estate broker, or authorized representative
202 other than the purchaser actually consummating such sale, but said
203 commissions shall not exceed, in the aggregate, 5% of the sale price,
204 and be paid, where there has been a public sale, only in the event
205 that the sum of the commission and the highest bid price does not

206 exceed the next highest bid price (exclusive of any realtor's com-
207 mission).

208 Source: R. S. 40:32-8, amended 1950, c. 50; 40:60-26, amended
209 1938, c. 300; 1939, c. 66; 1939, c. 344; 1944, c. 160; 1946, c. 106; 1947,
210 c. 417; 1948, c. 245; 1957, c. 86; 40:60-27; 40:32-9; 40:60-29;
211 40:60-37; 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3, s. 1;
212 1961, c. 96, s. 1; 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96, s. 2;
213 40:60-36; C. 40:60-38.1 (1964, c. 109).***

1 ***[16. Sale of contingent interest in land. Where any county or
2 municipality has a contingent interest or estate limited to a par-
3 ticular public use in land, the governing body may sell or otherwise
4 dispose of such contingent interest or estate, if they in their discre-
5 tion shall determine, the use thereof for the purpose limited has or
6 shall become impracticable, or the public welfare be best promoted
7 by the sale or other disposition.

8 Source: R. S. 40:60-30.]***

1 ***16. Leasing of county or municipal real property, capital im-
2 provements or personal property. Any county or municipality may
3 lease any real property, capital improvement or personal property
4 not needed for public use as set forth in the resolution or ordinance
5 authorizing the lease, other than county or municipal real property
6 otherwise dedicated or restricted pursuant to law, and accept as
7 otherwise provided by law, all such leases shall be made in the
8 manner provided by this section.

9 (a) In the case of a lease to any private person, said lease shall
10 be made by public letting to the highest bidder after advertisement
11 thereof in a newspaper circulating in the municipality or municipi-
12 palities in which the leasehold is situated by 2 insertions at least
13 once a week during 2 consecutive weeks; the lease publication to
14 be not earlier than 7 days prior to the letting of the lease. The
15 governing body may, by resolution, fix a minimum rental with the
16 reservation of the right, to reject all bids where the highest bid is
17 not accepted. Notice of such reservation shall be included in the
18 advertisement of the letting of the lease and public notice thereof
19 shall be given of the time of the letting of the lease. Such resolution
20 may provide that upon the completion of the bidding, the highest
21 bid may be accepted or all of the bids may be rejected. It shall
22 also set out the conditions, restrictions and limitations upon the
23 tenancy subject to the lease. Acceptance or rejection of the bid or
24 bids shall be made not later than at the second regular meeting of
25 the governing body following the opening of the bids, and, if the
26 governing body shall not so accept such highest bid, or reject all
27 bids, said bids shall be deemed to have been rejected. Any such

28 award may be adjourned at the time advertised for not more than
29 1 week without readvertising.

30 (b) In the case of a lease to a public body, the lease may be upon
31 such terms and conditions and for nominal or other consideration
32 as the governing body of the county or municipality shall approve
33 by ordinance or resolution.

34 (c) In the case of a lease to a nonprofit corporation for a public
35 purpose, the lease shall be authorized by resolution, in the case of
36 a county, or by ordinance, in the case of a municipality, and may
37 be for nominal or other consideration. Said authorization shall
38 include the nominal or other consideration for the lease; the name
39 of the corporation or corporations who shall be the lessees; the
40 public purpose served by the lessee; the number of persons benefit-
41 ing from the public purpose served by the lessees, whether within
42 or without the municipality in which the leasehold is located; the
43 term of the lease, and the officer, employee or agency responsible
44 for enforcement of the conditions of the lease. Said ordinance or
45 resolution shall also require any nonprofit corporation holding a
46 lease for a public purpose pursuant to this section, to annually
47 submit a report to the officer, employee or agency designated by
48 the governing body, setting out the use to which the leasehold was
49 put during each year, the activities of the lessee undertaken in
50 furtherance of the public purpose for which the leasehold was
51 granted; the approximate value or cost, if any, of such activities
52 in furtherance of such purpose; and an affirmation of the continued
53 tax-exempt status of the nonprofit corporation pursuant to both
54 State and Federal law.***

1 ***[17. Sale of certain lands authorized to be sold by county or
2 municipality; disposition of proceeds. When any county or munici-
3 pality has acquired any lands or interest therein by gift, grant or
4 devise, and by the terms of said gift, grant or devise, the governing
5 body may sell the same, in such parcels as the governing body may
6 determine at private sale for cash or upon credit, and may impose
7 conditions and restrictions on the use to be made of such lands or
8 interest; and may accept a purchase money mortgage from the
9 purchasers upon terms and conditions which may be fixed by such
10 governing body in like manner and to the same extent as any other
11 vendor of real estate might do without compliance with any other
12 law governing disposal of lands by counties or municipalities.

13 The proceeds from the sale of any such lands or interest if
14 required by the terms of such gift, grant or devise shall be deposited
15 in a trust account and shall be invested by the governing body and
16 the income therefrom shall be dedicated to the care and maintenance

17 of the balance of such lands or interest acquired by the same gift,
18 grant or devise.

19 Source: C. 40:32-9.1 (1942, c. 262); C. 40:32-9.2 (1942, c. 262).】***

1 ***17. *Purposes for which leases for a public purpose may be*
2 *made. A leasehold for a term not in excess of 50 years may be made*
3 *pursuant to this act and extended for an additional 25 years by*
4 *ordinance or resolution thereafter for any county or municipal*
5 *public purpose, including, but not limited to:*

6 (a) *The provision of fire protection, first aid, rescue and*
7 *emergency services by an association duly incorporated for such*
8 *purposes.*

9 (b) *The provision of health care or services by a nonprofit clinic,*
10 *hospital, residential home, out-patient center or other similar*
11 *corporation or association.*

12 (c) *The housing, recreation, education or health care of veterans*
13 *of any war of the United States by any nonprofit corporation or*
14 *association.*

15 (d) *Mental health, or psychiatric services or education for the*
16 *mentally ill, mentally retarded, mentally defective by any non-*
17 *profit corporation or association.*

18 (e) *Any shelter care or services for persons aged 62 or over*
19 *receiving Social Security payments, pensions, or disability benefits*
20 *which constitute a substantial portion of the gross income by any*
21 *nonprofit corporation or association.*

22 (f) *Services or care for the education or treatment of cerebral*
23 *palsy patients by any nonprofit corporation or association.*

24 (g) *Any civic or historic programs or activities by duly incor-*
25 *porated historical societies.*

26 (h) *Services, education, training, care or treatment of poor or*
27 *indigent persons or families by any nonprofit corporation or*
28 *association.*

29 (i) *Any activity for the promotion of the health, safety, morals*
30 *and general welfare of the community of any nonprofit corporation*
31 *or association.*

32 *In no event shall any lease under this section be entered into for,*
33 *with, or on behalf of any commercial, business, trade, manufactur-*
34 *ing, wholesaling, retailing, or other profit-making enterprise, nor*
35 *shall any lease pursuant to this section be entered into with any*
36 *political, partisan, sectarian, denominational or religious corpora-*
37 *tion or association, or for any political, partisan, sectarian, denomi-*
38 *national or religious purpose.*

39 Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87,

40 *amended 1964, c. 215*); C. 40:60-40.2 (1948, c. 246, amended 1949,
 41 c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61,
 42 s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75,
 43 s. 2); C. 40:60-51.6 (1957, c. 148); C. 40:32-20 (1958, c. 87, amended
 44 1960, c. 185, s. 2; 1963, c. 188, s. 2); R. S. 40:32-7; 40:32-13; C.
 45 40:32-13.3 (1960, c. 34); R. S. 40:60-43, amended 1962, c. 132; 1964,
 46 c. 110); R. S. 40:60-44; 40:60-45; C. 40:60-45.1 (1940, c. 145); C.
 47 40:60-45.2 (1947, c. 316); C. 40:60-45.3 (1950, c. 184 amended 1951,
 48 c. 132, s. 2; 1955, c. 130; 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1);
 49 C. 40:60-45.4 (1954, c. 184 amended 1966, c. 35); C. 40:60-45.5 (1965,
 50 c. 228); C. 40:60-51.11 (1964, c. 71).

1 ***[18. Conveyances or other transfers to perfect title or interest
 2 previously conveyed. When any county or municipality has or
 3 shall have conveyed its right, title and interest in any real estate not
 4 needed for public use, and it was assumed and intended that there
 5 should be conveyed a good and sufficient title in fee simple to said
 6 real estate, free of all encumbrances and the full consideration has
 7 been paid therefor, and it shall thereafter appear that the title
 8 conveyed was insufficient or that said county or municipality at
 9 the time of said conveyance was not the owner of some estate or
 10 interest in said real estate or of some encumbrances thereon and
 11 the county or municipality shall thereafter acquire a good and
 12 sufficient title in fee simple, free of all encumbrances to said real
 13 estate or shall acquire such outstanding estate or interest therein
 14 or outstanding encumbrance thereon, said county or municipality
 15 may thereupon by resolution of the governing body, without the
 16 payment of any additional consideration and without complying
 17 with any other law governing disposal of lands by a county or
 18 municipality, convey or otherwise transfer to the purchaser, his
 19 heirs or assigns, such after acquired title, or estate or interest in,
 20 or encumbrance upon, such real estate to perfect the title or interest
 21 previously conveyed.

22 Source: C. 40:60-27.3 (1949, c. 153).]***

23 ***18. *Conveyance of real property subject to referendum. In any*
 24 *case in which a county or municipality shall determine, in the case*
 25 *of a municipality, by ordinance and a county, by resolution, that it*
 26 *is in the public interest to convey a title or interest other than a*
 27 *leasehold interest pursuant to sections 16 and 17 of this act, it may*
 28 *convey such title or interest only as provided herein. Said ordinance*
 29 *or resolution shall set out in clear and simple terms, in addition to*
 30 *the matter required by section 16 of this act, a statement of the*
 31 *reasons why a leasehold interest will not adequately serve the*

32 public purpose for which a conveyance is to be made. The con-
 33 veyance may be made subject to such terms and conditions as are
 34 directly related to the public purpose to be served and shall include
 35 a right of reversion to the county or municipality in any case in
 36 which the nonprofit corporation or association to whom such real
 37 property is conveyed shall fail to comply with said terms or condi-
 38 tions. The ordinance or resolution shall not become operative until
 39 approved by a majority of the legal voters of the county or munic-
 40 ipality voting on the proposition at a general election, pursuant to
 41 section 19 of this act.***

1 ***[19. Release of easements. The governing body of any county,
 2 by resolution, or any municipality, by ordinance, may release the
 3 public rights, in the nature of easements, in, on, over or under any
 4 lands within the county or the municipality, as the case may be,
 5 upon such terms as shall be agreed upon with the owner of such
 6 lands, if the use of such rights is no longer desirable, necessary or
 7 required for public purposes. After the adoption of the resolution
 8 or ordinance and compliance by the owner of said lands with the
 9 terms thereof, said lands shall be free, clear and entirely dis-
 10 charged of and from such rights of the public and of the county or
 11 municipality, as the case may be, but no such release shall affect
 12 the right of lawful occupancy or use of any such lands by any
 13 municipal or private public utility to occupy or use any such lands
 14 lawfully occupied or used by it.

15 Source: R. S. 40:60-36; C. 40:60-38.1 (1964, c. 109).]***

16 ***19. Procedure for conveyance of real property for a public
 17 purpose.

18 (a) Public notice of the submission of the proposition shall be
 19 given by advertisements signed by the county or municipal clerk
 20 and posted in at least 10 public places in the county or municipality
 21 and also published in at least 2 newspapers printed or having a
 22 substantial circulation in the county or municipality at least 20 days
 23 before the election.

24 (b) The proposition to be submitted shall be placed upon the
 25 official ballots to be used at such election in substantially the follow-
 26 ing form:

27 "To vote upon the public question printed below, if in favor
 28 thereof mark a cross (X) or plus (+) in the square at the left of
 29 the word "YES," and if opposed thereto mark a cross (X) or plus
 30 (+) in the square at the left of the word "NO."

	Yes.	<i>“Shall the following described real property be conveyed, subject to the following described conditions and limitations, to (insert herein the name of the nonprofit corporation to whom the land will be conveyed) for the public purpose of (insert herein the public purpose to be served by the conveyance)? (Here insert short description of the real property).”</i> ***
	No.	

1 20. Exchanges of certain lands; exceptions. The governing body
2 of any county, by resolution, or any municipality, by ordinance,
3 may exchange any lands or any rights or interests therein owned
4 by the county or municipality, except lands used for public high-
5 ways or places, for other lands desired for public use. The county
6 or municipality may exact and receive a cash consideration in addi-
7 tion to such other lands when such exchange shall be authorized,
8 and such governing body determines that the lands to be conveyed
9 to such county or municipality or such lands and the cash considera-
10 tion to be paid are at least of equal value to, and their acquisition
11 is more advantageous to, the county or municipality for public use,
12 than the lands to be conveyed by the county or municipality, and
13 that it is in the public interest that such exchange of lands be
14 consummated. Any prior dedication or determination for use for
15 park purposes of such land or any part thereof, shall not preclude
16 an exchange thereof under this section but where the lands to be
17 exchanged by a municipality are lands that have been dedicated
18 and determined for use for park purposes, the lands received in
19 exchange therefor by the municipality shall be used for the same
20 purposes. ****For purposes of this section, any land to be ex-*
21 *changed by the county or municipality shall be valued at not less*
22 *than the amount for which it was acquired or in the case of an ac-*
23 *quisition by gift or devise, in an amount of not less than the “full*
24 *and fair value” of the land as determined by the assessor of the*
25 *municipality in which it is located pursuant to section 54:4-23 of*
26 *the Revised Statutes for the tax year in which the land was ac-*
27 *quired by the county or the municipality. Any land which shall be*
28 *conveyed to the county or municipality in exchange for any county*
29 *or municipal land shall be valued at no more than the “full and*
30 *fair value” determined for the land by the assessor of the munici-*
31 *pality in which the land is located pursuant to section 54:4-23 of*
32 *the Revised Statutes for the then current tax year. In any case in*
33 *which the value of the county or municipal land to be exchanged*
34 *exceeds the value of the land to be received by the county or mu-*
35 *nicipality, the county or municipality shall exact additional cash*

36 consideration, as authorized herein, equal to the difference of the
37 2 values as determined pursuant to this section.***

38 Source: C. 40:60-51.1 (1942, c. 199 amended 1946, c. 157; 1958,
39 c. 160); C. 40:60-51.3 (1944, c. 77); C. 40:60-51.4 (1944, c. 77).

1 21. Application of proceeds of disposition of lands. When any
2 county or municipality shall dispose of ***[lands]*** *real prop-*
3 *erty, capital improvements or personal property**** not acquired at
4 a tax sale, having issued bonds to finance the purchase thereof, and
5 at the time of such disposal any of said bonds are outstanding, the
6 whole proceeds of such disposal or, so much thereof as shall be
7 necessary shall be used for the liquidation of such bonds. Payment
8 of such bonds may be made at or prior to maturity on cancellation.
9 Source: R. S. 40:60-31.

1 ***[22. Sales or transfers to United States, State or any political
2 subdivision thereof or county park commission. Any county or
3 municipality may transfer at private sale or transfer, any real
4 estate or any right or interest therein not needed for public use by
5 the county or municipality to the United States Government, the
6 State of New Jersey or any political subdivision thereof, or to the
7 county park commission in the county, without compliance with any
8 other law governing disposals of lands by counties or municipal-
9 ities. Any such transfer may be made by private sale or other
10 transfer.

11 Source: R. S. 40:32-9; 40:60-29; 40:60-37.]***

***OTHER MATTERS

12 22. *Federal aid. Every county or municipality making an*
13 *acquisition, sale, lease or exchange pursuant to this act may apply*
14 *for, receive and expend such grants, loans, gifts and aids as may be*
15 *made available to it for such purposes from any source whatsoever,*
16 *including, but not limited to, the United States of America or any*
17 *agency or department thereof; the State of New Jersey or any*
18 *agency or department thereof; of any political subdivision of this*
19 *State; or any corporation, person, association or society.****

1 ***[23. Conveyance of lands for public educational purposes.
2 When the governing body of a county or municipality shall deter-
3 mine by resolution that all or any part of a tract of land improved or
4 unimproved is no longer needed for public purposes, the governing
5 body may authorize the conveyance of such lands or any portion
6 thereof to the State when so requested or approved by resolution
7 of the State Board of Education or State Board of Higher Educa-
8 tion or to any board of education in the county or municipality or
9 to a regional board of education of a regional school district or to
10 a consolidated board of education of a consolidated school district

11 in the county or of which the municipality is a constituent part,
 12 requesting or approving such conveyance by resolution, for a
 13 nominal consideration, to be used by the State for educational pur-
 14 poses or for public purposes, connected with the district board of
 15 education or the regional board of education or the consolidated
 16 board of education, and may cause the same to be duly conveyed by
 17 its proper officers accordingly. A prior dedication or use for park
 18 purposes of such land or any part thereof shall not be deemed to
 19 preclude a transfer and conveyance thereof under the provisions
 20 of this section.

21 Source: R. S. 40:9-1; 40:60-39, amended 1947, c. 305; 1950, c. 3,
 22 s. 1; 1961, c. 96, s. 1); 40:60-40, amended 1950, c. 3, s. 2; 1961, c. 96,
 23 s. 2).]***

24 ***23. *Acquisition on behalf of another public body. Any county*
 25 *or municipality may acquire, sell, lease or exchange, pursuant to*
 26 *this act, any real property, capital improvement or personal prop-*
 27 *erty in trust for, on behalf of, or as agent for, any other political*
 28 *subdivision or body corporate and politic of this State or the United*
 29 *States of America, or any department or agency thereof, upon such*
 30 *terms and conditions as the governing body of the municipality, by*
 31 *ordinance, or the county, by resolution, shall adopt.****

1 ***[24. Reconveyance of land limited to educational purposes.
 2 Whenever the governing body of any county or municipality, to
 3 which there has been conveyed land to be used for educational pur-
 4 poses without the payment of any consideration therefor, shall, by
 5 resolution,

6 (a) Determine that said land cannot be used advantageously
 7 for the purposes for which the same were conveyed to the
 8 county or municipality,

9 (b) Authorize the conveyance of the interest of the county
 10 or municipality in said land to the person by whom the same
 11 were conveyed to the county or municipality, upon payment of
 12 a consideration equal to the fair market value of said interest
 13 therein, and

14 (c) Fix such consideration,
 15 the said lands shall be reconveyed accordingly upon payment of
 16 said consideration.

17 Source: C. 40:60-27.4 (1950, c. 7).]***

18 ***24. *Conflict of interest.*

19 (a) *No member of a governing body, officer or employee of any*
 20 *county or municipal agency, board, commission, department or*
 21 *authority exercising powers pursuant to this act, or members of*
 22 *his immediate family, shall participate in, or in any way influence*

23 any proceeding before such body involving an acquisition, sale,
24 lease or exchange of any real property, capital improvement or
25 personal property pursuant to this act, if such member, officer or
26 employee has:

27 (1) Any proprietary or financial interest, either direct or
28 indirect, in the real property, capital improvement or personal
29 property, that is the subject of the proceeding, or

30 (2) Any business or financial relationship with the owner,
31 contract purchaser or lessee of such real property, capital im-
32 provement or personal property or any agent of such parties
33 including, but not limited to, brokers, attorneys, assessors or
34 appraisers.

35 (b) The governing body of a municipality, by ordinance, or a
36 county, by resolution, shall provide that all members of the govern-
37 ing body or employees of the county or municipality empowered to
38 prepare or adopt specifications, terms, conditions or related matters
39 for any acquisition, sale, lease or exchange pursuant to this act shall
40 make a full disclosure in writing of any interest referred to in para-
41 graph (a) above in the county or municipality, that such statement
42 shall be made prior to the considerations of any negotiations or
43 transaction pursuant to this act and shall be filed with the presiding
44 officer of such governing body.

45 (c) For the purposes of this section "proprietary or financial
46 interest, either direct or indirect in the real property, capital im-
47 provement or personal property" means any form of ownership of
48 or interest in the real property, capital improvement or personal
49 property or of the firm or corporation owning or having interest in
50 the real property, capital improvement or personal property
51 whereby the member or employee would or could receive economic
52 gain as a result of dealing with the real property, capital improve-
53 ment or personal property or the improvements thereon and
54 whether such ownership or interest is held by the member, officer
55 or employee or by his spouse or by his minor natural, adopted, or
56 stepchildren or by any other relations of the member resident in his
57 home or by his private business firm; provided, however, that the
58 member, officer or employee or his immediate family shall not be
59 considered to have a proprietary or financial interest if such
60 interest is represented by ownership of less than 10% of the autho-
61 rized and issued stocks or bonds of any particular class of a corpora-
62 tion that owns or has an interest in the real property, capital
63 improvement or personal property.

64 (d) For the purposes of this section, "business or financial rela-
65 tionship" shall mean any form of contractual, financial or economic

66 relationship based upon an agreement enforceable at law or in
 67 equity between the member, officer or employee, or a member of his
 68 immediate family, or his private business firm and the owner, con-
 69 tract purchaser, or leases of such real property, capital improve-
 70 ment or personal property, provided however, that business or
 71 financial relationship shall not include ordinary contractual rela-
 72 tionships between the member, officer or employee and a public
 73 utility for the provision of utility services or between the member,
 74 officer or employee and a retail establishment relating to customary
 75 credit, time purchase or charge account transactions, nor shall in-
 76 clude agreements between the member, officer or employee and any
 77 party that are fully executed and complete.

78 (e) This section shall not be construed to in any way repeal,
 79 modify, or prevent the application of existing statutes, ordinances
 80 or decisions of general application prohibiting or regulating con-
 81 flicts of interest of public officials.

82 (f) The governing body may, by ordinance, adopt additional or
 83 supplementary conflict of interest rules not inconsistent with this
 84 section. Any person who violates the provisions of this section or
 85 of any ordinance adopted under this section shall be subject to im-
 86 mediate removal from office and shall be punishable by fine not to
 87 exceed \$1,000.00.

88 (g) The violation of this section by a member of a governing
 89 body shall not be grounds for setting aside any action of the agency,
 90 unless (1) a contrary decision would have been reached without the
 91 vote of such member, and (2) written notice of such violation is
 92 given to the municipal clerk within 2 years of such decision. Any
 93 acquisition, sale, lease or exchange made in violation of this section
 94 may be set aside by the governing body of the county or munic-
 95 ipality if it determines that such an action would be in the best
 96 interest of the county or municipality, and the real property, capital
 97 improvement or personal property which was the subject of the
 98 acquisition, sale, lease or exchange has not subsequently been sold,
 99 leased or exchanged to any person not a party to the original trans-
 100 action and not having notice of any violation of this section at the
 101 time it was committed.

102 (h) "Member of his immediate family" means (1) the spouse
 103 and all minor natural, adopted, and stepchildren of the person, and
 104 (2) all other relatives by blood, marriage or adoption if such rela-
 105 tives reside with the person in his home or in one of his houses.***

1 ***[25. Private sales to certain organizations upon nominal con-
 2 sideration. When the governing body of any county or municipality
 3 shall determine that all or any part of a tract of land, with or with-

4 out improvements, owned by the county or municipality, is not then
5 needed for county or municipal purposes, as the case may be, said
6 governing body, by resolution, may authorize a private sale and
7 conveyance of the same, or any part thereof without compliance
8 with any other law governing disposal of lands by counties and
9 municipalities for a consideration, which may be nominal, upon any
10 terms, conditions and limitations, which said governing body shall
11 deem advisable, in addition to those required in the cases herein-
12 after set forth, to

13 (a) A duly incorporated volunteer fire company or first aid and
14 emergency or volunteer ambulance or rescue squad association of
15 a municipality within the county, in the case of a county, or of the
16 municipality, in the case of a municipality, for the construction
17 thereon of a firehouse or fire school or a first aid and emergency
18 or volunteer ambulance or rescue squad building or for the use of
19 any existing building for any or all of said purposes and any such
20 land or building sold to any duly incorporated volunteer fire com-
21 pany may be leased by such fire company to any volunteer firemen's
22 association for the use thereof for fire school purposes for the
23 benefit of the members of such association, or

24 (b) Any nationally chartered organization or association of vet-
25 erans of any war, in which the United States has or shall have been
26 engaged, by a conveyance for a consideration, other than nominal
27 as above provided, in lieu of which, may be an agreement by the
28 organization or association to render service or provide facilities
29 for the general public of the county or municipality, of a kind which
30 the county or municipality may furnish to its citizens and to the
31 general public and containing a limitation that such lands or build-
32 ings shall be used only for the purposes of such organization or
33 association, and to render such services or to provide such facilities
34 as may be agreed upon, and not for commercial business trade or
35 manufacture, and that if said lands or buildings are not used in
36 accordance with said limitation, title thereto shall revert to the
37 county or municipality without any entry or re-entry made thereon
38 on behalf of such county or municipality, or

39 (c) Any duly incorporated nonprofit hospital association for the
40 construction or maintenance thereon of a general hospital by a
41 conveyance containing a limitation that if said land shall cease to
42 be used for said purposes, title thereto shall revert to the county or
43 municipality without any entry or re-entry made thereon on behalf
44 of such county or municipality, or

45 (d) Any paraplegic veteran, that is to say, any officer, soldier,
46 sailor, marine, nurse or other person, regularly enlisted or inducted,

47 who was or shall have been in the active military or naval forces
 48 of the United States in any war in which the United States was
 49 engaged, and who, at the time he was commissioned, enlisted, in-
 50 ducted, appointed or mustered into such military or naval service,
 51 was a resident of and who continues to reside in this State, who is
 52 suffering from paraplegia and has permanent paralysis of both
 53 legs or the lower parts of the body resulting from injuries sus-
 54 tained through enemy action or accident while in such active mili-
 55 tary or naval service, for the construction of a home to domicile
 56 him, or to any organization or association of veterans, for the
 57 construction of a home or homes to domicile paraplegic veterans,
 58 with power to convey said lands and premises to the paraplegic
 59 veteran or veterans on whose behalf said organization or associa-
 60 tion shall acquire title to said lands.

61 Source: C. 40:32-13.3 (1960, c. 34); C. 40:60-40.1 (1947, c. 87,
 62 amended 1964, c. 215); C. 40:60-40.2 (1948, c. 246, amended 1949,
 63 c. 61, s. 2); C. 40:60-40.3 (1948, c. 246); C. 40:60-40.4 (1949, c. 61,
 64 s. 3); C. 40:60-40.5 (1954, c. 143, amended 1955, c. 127; 1964, c. 75,
 65 s. 2); C. 40:60-51.6 (1957, c. 148).]***

66 ***25. *Investigations.*

67 (a) *When any real property, capital improvements or personal*
 68 *property shall have been acquired, sold, leased or exchanged by any*
 69 *county or municipality pursuant to this act, and the grand jury*
 70 *sitting in the county shall have presented to the court that there is*
 71 *evidence of failure to fulfill specifications, enforce or impose condi-*
 72 *tions, restrictions or limitations required herein, or unwarranted*
 73 *preferences in any of the said transactions, which is not sufficient*
 74 *for indictment pursuant to chapter 135 of Title 2A of the New*
 75 *Jersey Statutes, the governing body of the county or municipality*
 76 *shall present to a judge of the Superior Court a request to make a*
 77 *summary investigation into said transactions. The judge may, in*
 78 *his discretion, make such an investigation. The said judge may, in*
 79 *his discretion, appoint experts to prosecute the investigation and*
 80 *cause the result to be published in such manner as he may deem*
 81 *proper. All members, officers, employces and agents of the board,*
 82 *commission, committee or other body making the acquisition, sale,*
 83 *lease or exchange, shall obey the orders of each judge for facilitat-*
 84 *ing the investigation, and any failure or refusal to obey such orders*
 85 *may be punished by the judge as for contempt.*

86 *The costs incurred under this section shall be fixed by the judge,*
 87 *and his order be paid by the disbursing officers of the board, com-*
 88 *mission, committee or other body whose expenditures have been*
 89 *investigated.*

90 (b) *Nothing herein shall in any way limit the power, duty or*
 91 *authority of the Director of the Division of Local Finance from*
 92 *undertaking such investigations, inquiries, or holding of such hear-*
 93 *ings with regard to any acquisition, sale, lease or exchange pur-*
 94 *suant to his act as may be authorized pursuant to the "Local*
 95 *Government Supervision Act (1947)," P. L. 1947, c. 151 (C.*
 96 *52:27BB-1 to 52:27BB-100, as amended and supplemented. The*
 97 *director shall present any evidence of any violation of this act, or*
 98 *of chapter 135 of Title 2A of the New Jersey Statutes, or any other*
 99 *act resulting from a transaction pursuant to this act to the pros-*
 100 *ecutor of the county in which the violation occurred or to the*
 101 *Attorney General forthwith.*

102 *Source: C. 40:32-4 (1953, c. 37).****

1 26. Display of flags on county and municipal buildings. The
 2 governing bodies of the respective counties and municipalities shall
 3 procure United States flags, flagstuffs and the appliances therefor
 4 for their particular county courthouse and the municipal buildings
 5 and shall display the flags upon or near said county courthouses
 6 and buildings during business hours and at such other times as the
 7 governing bodies may deem proper.

8 *Source: R. S. 40:9-4.*

1 ***[27. Rental of lands and buildings or portions thereof not
 2 needed for public use; portions of buildings; rental. Every county
 3 or municipality may lease for fixed and upon prescribed terms and
 4 for private purposes any of the land or buildings or any part
 5 thereof not presently needed for public use to the person who will
 6 pay the highest rent therefor. The use by the lessee shall be of such
 7 character as not to be detrimental to the building or the use of the
 8 building or the use of the unleased part of the building.

9 *Source: R. S. 40:32-12; 40:60-42.]****

10 ***27. *Burial grounds for indigents; removal and reinterment of*
 11 *bodies; sale of land.*

12 (a) *Whenever a municipality owns lands which have been used*
 13 *for the burial of indigents but have not been used for such purposes*
 14 *for 20 or more years, the governing body of the municipality may,*
 15 *by ordinance, determine that it is for the best interests of the*
 16 *municipality to cause the removal and reinterment of the bodies*
 17 *interred therein to a more suitable place. In the event of any such*
 18 *determination, the governing body of the municipality may, by*
 19 *resolution, provide for the disinterment and reinterment of the*
 20 *said bodies and after the removal of the said bodies if the governing*
 21 *body of the municipality shall, by resolution, determine that the*
 22 *lands from which the bodies have been so removed are not needed*

23 for public use may sell or lease the same as in the case of other
 24 lands not needed for public use pursuant to the provisions of this
 25 act.

26 (b) Prior to the adoption of an ordinance pursuant to this section,
 27 a public hearing thereon shall be held before the governing body
 28 which shall be noticed by advertisement published once each week
 29 for 2 weeks in a newspaper published or circulating in the munic-
 30 ipality. Notice shall also be sent to the last known address of any
 31 next of kin of persons to be disinterred pursuant to this section.
 32 The notice shall contain a description of the lands involved and of
 33 the action proposed by the ordinance.

34 (c) The cost of the removal of the bodies and of the acquisition
 35 of the lands wherein the bodies shall be reinterred shall be deemed
 36 to be a municipal expense and municipal funds may be appropriated
 37 to provide for the payment of the said expense, or the necessary
 38 funds may be provided for by requiring the purchaser of said lands
 39 to assume such expense as a condition of the purchase. The next of
 40 kin of any person disinterred pursuant to this section may elect to
 41 have the body or bodies disinterred, cremated or elsewhere interred
 42 at municipal expense.

43 Source: C. 40:60-51.8; C. 40:60-51.9 (1953, c. 127).***

1 28. Use of public building by counties and municipalities. Each
 2 county may authorize any municipality in the county to use, for
 3 municipal purposes, a portion of any county building and any
 4 municipality may permit the county in which it is located to use for
 5 county purposes a portion of any municipal building, not needed
 6 for the purposes of the county or the municipality, as the case may
 7 be, upon such terms as shall be agreed upon by the governing bodies
 8 of the county and the municipality.

9 Source: R. S. 40:32-11.

1 ***[29. Devotion of lands to other purposes. Any county or
 2 municipality having acquired land or any estate or interest therein,
 3 which land or estate or interest shall have become unsuited or in-
 4 convenient for the use for which it was acquired, may, at any time
 5 convert a portion or the whole thereof to any other public use
 6 unless otherwise provided by law.

7 Source: R. S. 40:32-10, amended 1953, c. 119; 40:60-37;
 8 40:60-38.]***

1 ***[30.]*** **29.*** No liability for injuries to persons from
 2 use of grounds, buildings or structures. No county or municipality
 3 shall be liable for injury to the person from the use of any public
 4 grounds, buildings or structures, any law to the contrary notwith-
 5 standing.

6 Source: R. S. 40:9-2.

1 **[31. Lease of above surface and subsurface areas of lands.
 2 Any county or municipality owning lands therein which has an area
 3 above or below the surface of the ground not required for the use of
 4 the county or municipality, may lease such area by private negotia-
 5 tion for a term not exceeding 99 years upon such terms and condi-
 6 tions as shall be consistent with the use of the part of such lands
 7 retained by the county or municipality or by the State if parts of the
 8 lands were conveyed to the county or municipality by the State. Any
 9 such lease shall be provided for by resolution of the governing body.
 10 Source: R. S. 40:176-1.] **

11 ***30. *Construction. The language and terms of this act shall be*
 12 *construed broadly, in order that counties and municipalities may*
 13 *have all of the powers necessary and incident to the efficient and*
 14 *economical execution of their public functions, and in order that the*
 15 *officers and employees of counties and municipalities shall have*
 16 *clear and unambiguous standards of conduct in dealing with public*
 17 *real property, capital improvements or personal property and*
 18 *moneys.****

1 ***[32. Terms, conditions, plans and specifications. In any lease
 2 under the preceding section, the governing body according to their
 3 discretion, may fix the annual rental, the terms and conditions,
 4 including limitations of the use of the building. Full and detailed
 5 plans and specifications of a building, if any, to be erected shall be
 6 shown.

7 Source: R. S. 40:176-2.]***

8 ***31. *Saving clause. Any acquisition, sale, lease or exchange*
 9 *made prior to the effective date of this act, pursuant to any act*
 10 *repealed or amended pursuant to this act, is hereby validated, con-*
 11 *firmed and continued, except that no lease shall be renewed or*
 12 *extended, except in accordance with the provisions of this act.****

1 ***[33. County or municipal buildings, equipment and services
 2 made available to certain organizations benefiting mentally re-
 3 tardated or mentally ill persons. Any county or municipality may
 4 authorize the use of space, rooms or offices in any building owned or
 5 controlled by such county or municipality, with or without the pay-
 6 ment of rent, by any county mental health association or any non-
 7 profit organization whose services are nonsectarian, incorporated
 8 under the laws of this State, for the purpose of conducting a day-
 9 care center or school for mentally-retarded or mentally-ill persons
 10 or by any private or nonprofit organization in the county, incorpo-
 11 rated under the laws of this State, whose services are nonsectarian,
 12 providing aid or assistance to mentally-retarded or mentally-ill per-
 13 sons. Any such authorization may be made in the form of a lease,

14 under such terms, conditions and regulations as the governing body
 15 shall determine. Any such authorization or lease may include the
 16 right to use furniture and equipment of the county or municipality
 17 and such services and utilities as shall be available.

18 Source: C. 40:32-20 (1958, c. 87 amended 1960, c. 185, s. 2; 1963,
 19 c. 188, s. 2).]***

1 ***[34. Leases to certain organizations upon nominal or other
 2 rentals. Any county or municipality may lease for such periods of
 3 time and at nominal or other rentals, and upon such terms, condi-
 4 tions and limitations, if any, as the governing body, by resolution,
 5 may determine, any real estate or space in any building owned or
 6 controlled by such county or municipality which is not required for
 7 county or municipal purposes to

8 (a) Any incorporated historical society in the county or
 9 municipality;

10 (b) Any organization of veterans of any war in which the
 11 United States has or shall have been engaged;

12 (c) Any association organized for the education and treat-
 13 ment of cerebral palsy patients in the county or municipality,
 14 including the education and treatment of county or municipal
 15 indigent patients, upon a nonprofit or charitable basis, and may
 16 authorize the construction and maintenance of a treatment
 17 center and office building;

18 (d) Any nonprofit organization or association having for
 19 its purposes the promotion of the health, safety, morals and
 20 general welfare of the community;

21-32 (e) Any duly incorporated fire company or first-aid and
 33 emergency or volunteer ambulance or rescue squad association
 34 or any duly incorporated association of exempt firemen of any
 35 municipality or fire district, within the county; or

36 (f) Any nonprofit organization organized for the purpose
 37 of maintaining a shelter for persons aged **[65]** **62 and
 38 over**, while used for the purpose of such organizations and
 39 not for commercial business, trade or manufacturing.

40 Source: R. S. 40:32-7; 40:32-13; C. 40:32-13.3 (1960, c. 34); R. S.
 41 40:60-43, amended 1962, c. 132; 1964, c. 110); R. S. 40:60-44;
 42 40:60-45; C. 40:60-45.1 (1940, c. 145); C. 40:60-45.2 (1947, c. 316);
 43 C. 40:60-45.3 (1950, c. 184 amended 1951, c. 132, s. 2; 1955, c. 130;
 44 1957, c. 105; 1965, c. 149; 1966, c. 253, s. 1); C. 40:60-45.4 (1954,
 45 c. 184 amended 1966, c. 35); C. 40:60-45.5 (1965, c. 228); C.
 46 40:60-51.11 (1964, c. 71).]***

[COUNTIES, COUNTY PARK COMMISSIONS AND MUNICIPALITIES]

1 ***[35. Use of lands for training grounds and improvement
2 thereof for firemen. Any county, county park commission or munic-
3 ipality by resolution may make available any lands owned or con-
4 trolled by said county, county park commision or municipality,
5 which are not then needed for other public purposes, for use as
6 training grounds for a paid, part-paid or volunteer fire company of
7 the county, county park commission, municipality or fire district in
8 such county or any adjoining county. The governing body from
9 time to time may raise, appropriate and expend such sums of money
10 as they may deem expedient for improving the said lands for
11 training purposes, including installation of water mains and
12 hydrants, and the construction of drill towers and training equip-
13 ment, for use in the instruction of fire companies in the latest
14 methods, procedures and techniques of fire fighting, and in testing
15 apparatus and equipment.

16 Source: C. 40:32-13.1 (1954, c. 18); C. 40:32-13.2 (1954, c. 18).]***

[COUNTIES]

1 ***[36. Lease of space in county buildings; legal aid association
2 or societies. Any county may lease for a nominal or other rental to
3 any legal aid association or society, incorporated under the laws
4 of this State, the use of certain designated space in any building
5 owned or controlled by the county, together with the right to use
6 furniture and equipment and such services as shall be made avail-
7 able as an incident to the use of such space.

8 Source: C. 40:23-6.21 (1950, c. 194).]***

[CITIES, FIRST AND SECOND CLASS]

1 ***[37. Lease of lands or buildings; terms. Every city of the first
2 or second class may lease to any person land or building of the
3 city not needed for public use for a fixed term not exceeding *[50]*
4 *99* years without compliance with any other law governing dis-
5 posal of lands by municipalities.

6 Source: R. S. 40:176-11; 40:176-12.]***

1 ***[38.]*** **32.*** Statutes repealed. The following sections,
2 chapters and acts, together with all amendments and supplements
3 thereto are hereby repealed:

4 Sections 40:9-1; 40:9-2; 40:9-4; 40:32-1; 40:32-2; 40:32-3;
5 40:32-5; 40:32-7; 40:32-8; 40:32-9; 40:32-10; 40:32-11; 40:32-12;
6 40:32-13; 40:32-20; 40:60-1; 40:60-2; 40:60-3; 40:60-4; 40:60-5;
7 40:60-6; 40:60-7; 40:60-8; 40:60-9; ***40:60-10; 40:60-11;
8 40:60-12; 40:60-13; 40:60-14; 40:60-15; 40:60-16; 40:60-17;
9 40:60-18; 40:60-19; 40:60-20; 40:60-21; 40:60-22; 40:60-23;
10 40:60-24;*** 40:60-26; 40:60-27; ***40:60-28;*** 40:60-29;

11 40:60-30; 40:60-31; 40:60-36; 40:60-37; 40:60-38; 40:60-39;
 12 40:60-40; 40:60-42; 40:60-43; 40:60-44; 40:60-45; 40:176-1;
 13 40:176-2; 40:176-11; 40:176-12 of the Revised Statutes;
 14 Laws of 1940, c. 145 (C. 40:60-45.1);
 15 Laws of 1942, c. 199 (C. 40:60-51.1);
 16 Laws of 1942, c. 263 (C. 40:32-9.—C. 40:32-9.2);
 17 Laws of 1944, c. 77 (C. 40:60-51.3—C. 40:60-51.4);
 18 Laws of 1947, c. 87 (C. 40:60-40.1);
 19 Laws of 1947, c. 316 (C. 40:60-45.2);
 20 Laws of 1948, c. 246 (C. 40:60-40.2—C. 40:60-40.3);
 21 Laws of 1949, c. 61 (C. 40:60-40.4);
 22 Laws of 1949, c. 153 (C. 40:60-27.3);
 23 Laws of 1950, c. 7 (C. 40:60-27.4);
 24 Laws of 1950, c. 184 (C. 40:60-45.3);
 25 Laws of 1950, c. 194 (C. 40:23-6.21);
 26 Laws of 1954, c. 18 (C. 40:32-13.1—C. 40:32-13.2);
 27 Laws of 1954, c. 143 (C. 40:60-40.5);
 28 Laws of 1954, c. 184 (C. 40:60-45.4);
 29 Laws of 1957, c. 148 (C. 40:60-51.6);
 30 Laws of 1960, c. 34 (C. 40:32-13.3);
 31 Laws of 1964, c. 71 (C. 40:60-51.11);
 32 Laws of 1964, c. 109 (C. 40:60-38.1);
 33 Laws of 1965, c. 228 (C. 40:60-45.5)***, also L. 1942, c. 138
 34 (C. 40:60-25.1 to 40:60-25.6); L. 1943, c. 33 (C. 40:60-51.2); L. 1944,
 35 c. 206 (C. 40:60-25.7 to 40:60-25.17); L. 1944, c. 207 (C. 40:69-4.1
 36 to 40:69-4.12); L. 1946, c. 245 (C. 40:60-25.18 to 40:60-25.26);
 37 L. 1946, c. 302 (C. 40:60-25.27 to 40:60-25.32); L. 1947, c. 322
 38 (C. 40:60-28.1); L. 1953, c. 403 (C. 40:60-51.5); L. 1958, c. 118,
 39 (C. 40:60-51.7); L. 1958, c. 147 (C. 40:60-25.47 to 40:60-25.50);
 40 L. 1962, c. 86 (C. 40:60-49.1); L. 1963, c. 127 (C. 40:60-51.8 to
 41 40:60-51.10); L. 1964, c. 173 (C. 40:60-40.6); L. 1965, c. 133
 42 (C. 40:60-25.51 to 40:60-25.52); L. 1966, c. 298 (C. 40:60-25.54 to
 43 40:60-25.56); L. 1967, c. 11 (C. 40:60-25.57 to 40:60-25.60).***

1 ***[39.]*** **33.*** Effective date. This act shall take effect
 2 January 1, 1970.

11/7/60



PRELIMINARY DRAFT

LOCAL CONTRACTS LAW

As submitted to the

n.g. County and Municipal Law Revision Commission

This draft has not been considered or approved by the Commission and is distributed for purpose of discussion only.

Suggestions for change will be welcomed by the Commission and should be made to the undersigned.

Clive S. Cummis, Counsel
Room 71
State House
Trenton, New Jersey.

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LOCAL CONTRACTS LAW

INTRODUCTION

The staff of the County and Municipal Law Revision Commission herewith submits its first draft of a revised **Local Contracts Law**, and its report thereon. The draft and report is not final and has not been submitted to nor approved by the County and Municipal Law Revision Commission. It is distributed only for informational purposes. Recommendations and criticisms are earnestly solicited.

The report recommends the enactment into law of a new simplified consolidated county and municipal contracts law. It covers all those sections in existing law which relate to all purchases or contracts for the purchase of materials, work, and the sale and lease of real and personal property. Although the accent is on simplicity of language and succinctness of sections, the draft does not dilute the protections for the public contained in existing law. It sets out in 25 short sections what is contained in over 200 sections which now run from Chapter 9 to Chapter 179 of Title 40.

An analysis has been made of the State purchase law, R.S. 52:34-1 et seq., the State and municipal contracts law of all of the major states in this country, as well as the Federal purchase and contracts law. The best of these laws have been used as a basis for the draft.

40A:6-1. Power to make purchases and execute contracts.

This section states clearly, for the first time, the general power of any local unit to make purchases, execute contracts, acquire, sell or lease real or personal property. It is broadly drawn so that the substance of numerous sections of existing law is covered. Thus, the contracting power of a local unit is expressed succinctly and in general terms in one basic section.

40A:6-2. Appropriations to finance contracts.

The section appears in the existing municipal contracts law as 40:50-6 and now applies generally to all local units.

40A:6-3. Public advertisement for bids.

This section collects the bid law provisions in the existing county and municipal law and places them in a single section which applies equally to all local units. For the first time, under subsection "b" local units are permitted to reject all bids if it is in the public interest to do so, and to choose between any one or two or more of bidders who have submitted equal bids and who are the lowest responsible bidders. It has always been uncertain whether local units have had this power in the past. The laws of other states have contained this power, and when responsibly administered, it has proven to be effective in the implementation of the contracting power. This right exists in our State law.

40A:6-4. Public advertisement for bids not required.

This section contains the bid law requirements. It is the heart of any contract law. Section "a" provides for bids to be

required where the purchase or contract is less than \$2,500. In existing county and municipal law, it has been the subject of much litigation. The intent is to require public bidding where the contract or purchase is for an amount in excess of \$2,500. The difficulty with a general section of this kind arises by the use of the "split-bid". The "split-bid" is a method of intentionally preparing a series of bids for the same items, each of which single bid will be for an amount less than \$2,500 and the total of which series of bids is in excess of \$2,500. A number of different formulas were attempted to meet this practice. All seemed to add to the problem rather than solve it. It was, therefore, decided to state the bid requirements simply and to permit the local unit to apply the law in the public interest, recognizing that the bid requirement is intended to limit private and negotiated contracts and to enhance free and full competition by bidders so that the local unit will obtain the best possible price for the contract or purchase.

Subsection "i" permits local units to purchase through the State Division of Purchase and Property by the use of open end contracts, and it authorizes the division to implement such open end contracts. It is thought that by this method, small municipalities will be able to use the volume purchasing power of the State to their benefit.

40A:6-5. Contents of advertisements for bids.

This section is a restatement and clarification of the existing county and municipal contracts law. It adds certain new provisions, the most important of which is that it permits, for the

first time, bidding by mail. Under existing law, all bidders must submit their bids in person. Many local units throughout the State have requested the right to receive sealed bids through the mail. They feel that this power would result in substantial savings to the local units and promote the fullest and freest competition possible. In response to these requests, this section has been added. This addition should not upset the sealed bid procedure of existing law.

40A:6-6. Contents of specifications for bids.

This section collects existing provisions of county and municipal law and consolidates them into one section. It contains a new requirement that all bids be accompanied by an affidavit of non-collusion, and adds a penalty for submitting a false affidavit. A new section relating to contracts for collection, removal and disposal of garbage has been added. This section will meet, to some extent, the criticisms which have been raised in municipal garbage disposal contracts. It requires, in addition to the affidavit of non-collusion, the submission of the employment contract of the bidder and proof of existence of dump facilities.

40A:6-8. Return of deposit to unsuccessful bidders.

This section requires the return of all cash or proposal checks within 3 days after the contract has been signed. It changes existing law to the extent that existing law provides that all cash or proposal checks be returned within 3 days after the award of the contract, except for the two lowest responsible bids.

40A:6-9. Abrogation of contract previously ratified by registered voters.

Carries over two sections in the existing law which hereto-

fore have applied to water contracts, but in the proposed draft have been broadened to apply to any contract by referendum.

40A:6-10. Term of fuel and snow removal contracts.

Consolidates two sections in existing law into one short section without substantive change.

40A:6-11. Surety requirements.

Consolidates three sections in existing law without substantive change.

40A:6-12. Standard questionnaire.

Consolidates two sections in existing law without substantive change.

40A:6-13. Bidders' or owners' certificate proving possession of necessary equipment to perform contract.

Consolidates two sections in existing law which have heretofore applied only to municipalities and now apply to all local units.

40A:6-14. Payment of inspectors' wages.

Carries over, without substantive change, an existing provision in the municipal law which now applies to all local units.

40A:6-15. Public sale of personal property.

Consolidates two sections in existing law which now apply to all local units.

40A:6-16. Sale of personal property without bids.

Carries over existing law and the section now applies to all local units.

40A:6-17 to 40A:6-21, inclusive. These sections contain the substance of over 33 sections in existing law. They attempt to set out clearly and succinctly the methods by which a municipality may sell or lease its real or personal property. These provisions apply generally and include within their scope the many narrow and restricted sections contained in existing law. There appears to be no good reason for the restrictive sections contained in existing law to be carried over. One of the major problems with Title 40 is that it is replete with sections very narrow in scope which, in many cases, overlap and conflict. It is believed that broad sections will be more easily understood, more easily interpreted by the courts, and, because of their broad scope, limit the number of amendments.

40A:6-22. Renewals of leasehold.

This is a new section. Its purpose is to permit the renewal of leaseholds without new bidding or negotiation, so long as the rent reserved is equal or greater than that reserved on the original lease.

40A:6-23. Limitation on sale of recreational land.

This provision is new and is intended to protect the quantity of recreational land within the local unit.

40A:6-24. Sale or lease of real property to public or charitable bodies.

This section is a combination of 50 sections and carries over existing law without substantive change.

40A:6-25. Penalty for violation of chapter.

This section is carried from existing county law and is made general to all local units.

The municipal preclassification of the bidder system has been deleted. This system tends to diminish competition. So long as the standard questionnaire is utilized, there will be sufficient information upon which the local unit will be able to determine whether or not the bidder is responsible. Thus, the public is protected on the one hand as to the bidder's responsibility, and competition is stimulated, on the other hand, by avoiding the possibility of cutting down the number of bidders through an irresponsible use of the preclassification system.

This draft is by no means final. It is, however, a step forward on the road to a simplification of Title 40. It achieves a number of beneficial results, most important of which is the consolidating into 25 sections in one chapter what has heretofore been contained in over 200 sections spread throughout 179 chapters of the Title.

Appreciation is expressed to the following members of the advisory committee appointed by Governor Meyner: George C. Skillman, Director, Division of Local Government, Thomas J. Markey, Esq., George H. Callahan, Esq., Ruben D. Silverman, Esq., George Barbour, Esq., Vincent Torppey, Esq., and Paul Werkmeister. Appreciation is also expressed to Hon. Raymond Del Tufo, Jr., formerly Associate Counsel to the Commission, whose efforts resulted in this proposed revision and who is now a Judge of the Essex County District Court, and to Harry S. Reichenstein, City Clerk of Newark, Herbert M. Gladstone, Esq., Purchasing Agent of Newark, and Wayne Mitchell, Director of Operations of the Town of Ridgewood.

Suggestions and criticisms are invited. It is anticipated that public hearings will be held on this draft in the month of December, 1960, and that thereafter the staff of the County and Municipal Law Revision Commission will prepare a second draft, which draft will be submitted to the Commission for its review. If approved by the Commission, the final draft will be submitted to the General Assembly, the Senate, and the Governor of the State of New Jersey in the January, 1961 term of the Legislature.

TITLE 40A
MUNICIPALITIES AND COUNTIES
CHAPTER 6. LOCAL CONTRACTS LAW

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PART I

LOCAL CONTRACTS LAW

40A:6-1. Power to make purchases and execute contracts.

a. A local unit may make purchases, execute contracts, acquire or lease real property for public purposes, only in accordance with the provisions of this chapter.

b. A local unit may sell or lease any of its real property or personal property not needed for public purposes only in accordance with the provisions of this chapter.

40A:6-2. Appropriations to finance contracts.

A local unit shall not enter into any contract, the cost of which is to be paid from funds which have not been appropriated in the budget for the year unless prior thereto the governing body shall have adopted an appropriation sufficient to meet the costs of such contract.

This section shall not apply to funds of departments for the operation of which budget appropriations are not made.

Subject to the approval of the local government board, this section shall not apply to contracts for professional services for the liquidation or foreclosure of tax liens where it is agreed that the cost of the services are to be paid in whole or in part from the funds derived or to be derived from the redemption of lien property or the sale of foreclosed property.

40A:6-3. Public advertisement for bids.

a. Except as provided in this chapter, all purchases, contracts or agreements, the cost or price of which is to be paid with or out of funds of a local unit shall be awarded to the lowest responsible bidder on the basis of public advertising for bids therefor.

b. A local unit may reject all bids when it determines that it is in the public interest to do so and may, in its sole discretion, choose any one or two or more of the bidders who have submitted equal bids and who are the lowest responsible bidders.

40A:6-4. Public advertisement for bids not required.

Any purchase, contract or agreement may be made or awarded by a local unit without public advertising for bids where

a. the amount involved does not exceed \$2,500.;

b. the governing body by resolution passed by the affirmative vote of a majority of the full membership thereof determines that an emergency exists and the public interest requires. Said resolution shall state the nature of the emergency and the amount to be spent therefor;

c. the purchases are to be made from or the contract is to be made with the federal or any state government or any agency or political subdivision thereof, or any other local unit, or any political subdivision to which the local unit contributes tax-raised funds;

d. it contracts with a public utility organized under the laws of the State of New Jersey and which is subject to regulation by the Public Utilities Commission of this State for its services and for the use of the product of its manufacture;

e. it contracts for services which have been determined by resolution passed by the affirmative vote of a majority of the full membership of the governing body to be of such a technical or unique nature that public bidding is neither feasible nor practical;

f. it contracts for equipment of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts;

g. it purchases perishable foods or subsistence supplies;

h. only one source of supply is available, and the governing body so certifies by resolution passed by the affirmative vote of a majority of the full membership thereof;

i. it purchases any materials, supplies, equipment or apparatus pursuant to an open-end contract for the same, entered into on behalf of the State, and the Division of Purchase and Property is hereby empowered to make such open-end contracts. Such contract may include a provision for the purchase of such materials, supplies, equipment or apparatus by any local unit from such contractor.

40A:6-5. Contents of advertisements for bids.

Advertisements for bids shall be so drawn as to promote the

fullest and freest competition possible.

a. Advertisements for bids shall be published at least once, not less than 10 days prior to the date fixed for receiving such bids, in a newspaper designated by the governing body from those having a general circulation in the local unit.

b. Every advertisement shall state

1. the amount of deposit, by way of cash, certified check or other security, if any, which must accompany the bid,

2. the time and place for the opening of such bids,

3. the complete address to which all bids must be mailed by bidders who do not choose to personally submit their bids,

4. the postmarked date which each envelope containing a mailed bid must bear in order to be considered, and the legend that must appear on each such envelope so that it can be identified as containing a bid and thus remain sealed and unopened until all sealed bids are publicly opened and read, and

5. such other terms and conditions as the local unit may deem necessary and proper, including a statement as to whether any required deposit shall be in limitation of damages.

c. All bids shall be publicly opened, read and considered at the time and place fixed for the opening of such bids. The governing body shall make a proper record of the prices and terms of the bids upon its minutes.

40A:6-6. Contents of specifications for bids.

Specifications for bids shall be so drawn as to promote the fullest and freest competition possible.

a. Specifications shall adequately describe the work or services to be performed or the materials to be furnished, or both, and shall designate the date upon which such work or services shall be completed or such material delivered, and any other information necessary to provide bidders with adequate information of what is required.

b. All specifications for work shall fix the date on or before which the same shall be completed, or shall fix the number of working days to be allowed for the completion of the said work.

c. All specifications shall require that each bid be accompanied by an affidavit of the bidder that it is a bona fide bid and not the product of collusion. Any statement incorporated in such an affidavit, if found to be false, shall constitute a misdemeanor and be punishable as such.

d. Where the contract is for the collection, removal or disposal of garbage, ashes, trash or other debris', in addition to the foregoing, the specifications shall include:

1. a requirement that if the local unit will not use its own dump area, every bid be accompanied by proof that the bidder has adequate dumping facilities for the entire period of the contract and

2. a requirement that every bidder submit along with his bid a copy of the wage contract existing between himself and his employees.

40A:6-7. Time for granting bids.

Unless otherwise provided in the specifications, the award to the lowest responsible bidder shall be made within 90 days after the day upon which the sealed bids were publicly opened and read.

40A:6-8. Return of deposit to unsuccessful bidders.

All cash or proposal checks delivered with the bids shall be returned to the unsuccessful bidders within three days after the contract has been signed.

40A:6-9. Abrogation of contract previously ratified by registered voters.

Any contract executed by a local unit which required ratification thereof by the registered voters of such local unit before it could be or become legally binding, cannot be abrogated by such local unit unless and until such abrogation has been authorized by majority vote to that effect of the registered voters of such local unit at a special or general election held pursuant to the procedure specified in R.S. 40:62-3, 40:62-4, and 40:62-5.

40A:6-10. Term of fuel and snow removal contracts.

A local unit may contract for the supplying of fuel for heating purposes or for the plowing and removal of snow from its streets, highways and thoroughfares for any term exceeding the fiscal year, but not exceeding one year.

40A:6-11. Surety requirements.

a. When a local unit demands a surety company bond, it may prescribe the form and manner of execution and approval of all guarantee, indemnity, fidelity and all other bonds of surety given to the local unit, and in such case, it shall require from every bidder submitting a bid a certificate from a surety company authorized to do business in New Jersey, stating that such company will give to the bidder a bond in the sum required by the local unit.

b. A local unit may permit the bidder to submit the bond of an individual rather than a surety company. In such case, the bidder may submit with his bid a certificate, signed by such individual surety, similar to that required of a surety company in paragraph a hereof. The local unit may reject any bid, if it is not satisfied with the sufficiency of the individual surety.

40A:6-12. Standard questionnaire.

Any local unit may adopt a standard form of statement or questionnaire for bidders on public work and may require from any person proposing to bid on any contract for public work a statement, under oath, standardized for like classes of work, showing his financial ability, adequacy of plant and equipment, ability to perform the contract, and prior experience in performing public work, before furnishing him with the plans and specifications therefor. If not satisfied with the sufficiency of the statement, the local unit may refuse to furnish plans and specifications to him.

No action for damages shall lie against any officer, board or department of any local unit for refusal to furnish plans and specifications on public work duly advertised.

40A:6-13. Bidders' or owners' certificate proving possession of necessary equipment to perform contract.

Any local unit may require from any bidder a certificate stating that it owns all the necessary equipment required to perform any work bid for within the time specified. In addition, if the bidder is not the owner of the required equipment, the said certificate shall further state the name and address of the owner of such equipment and shall be accompanied by a certificate of such owner unconditionally granting to the bidder the use of the required equipment until the work bid for shall have been completed.

40A:6-14. Payment of inspectors' wages.

Every contract executed by any local unit for any work requiring inspection shall provide that the person doing the work shall reimburse the local unit for the wages of any inspector or inspectors incurred after the day or time fixed for the completion thereof.

40A:6-15. Public sale of personal property.

Any local unit may, by resolution of its governing body, sell its personal property not needed for public purposes at public sale to the highest bidder and appropriate the proceeds thereof to the legal use of the local unit. Notice of the date, time and place of sale, along with the description of the items to be sold shall be

published in a newspaper having a general circulation in the local unit and such sale must be held not less than 7 nor more than 14 days after the last publication of notice thereof.

If no bids are received at such sale, the property may then be sold at private sale without further publication or notice.

A local unit may reject all bids submitted at such sale if it determines that it is in the public interest to do so.

40A:6-16. Sale of personal property without bids.

A local unit may sell its personal property not needed for public purposes without advertising for bids when it makes such sale to the United States, the State of New Jersey, another local unit or to any political subdivision to which it contributes tax-raised funds or if the estimated fair value of the property does not exceed \$500.00 in any one sale.

40A:6-17. Public sale or lease of real property.

A local unit may sell or lease its real property not required for public purposes or any right, title or interest therein at a public offering.

a. Notice of the time, place, terms and conditions of such offering shall be by advertisement sufficiently descriptive to establish a common and definite standard upon which competitive bids can be solicited.

b. Such advertisement shall be published once each week for two consecutive weeks in a newspaper having a general circulation in the local unit offering the property for sale and in the local unit wherein such realty is situate.

c. The public offering shall be held not less than 7 nor more than 14 days after the last such publication.

d. The local unit may, by resolution, fix a minimum sale price or the minimum amount of rent to be reserved in the event of a lease, notice of either or both of which shall be contained in the advertisement.

e. No such sale or lease shall have any legal effect unless and until it shall have been approved by resolution of the governing body within 45 days after the date of such public offering.

40A:6-18. Sale or lease of real property by ordinance.

Any local unit may authorize the sale or lease of its real property not needed for public purposes or any right, title or interest therein to the highest responsible bidder by passage of an ordinance to that effect.

a. The ordinance in its entirety shall be published once each week for two consecutive weeks in a newspaper having a general circulation in the local unit which is offering the property for sale and in the local unit wherein such property is situate.

b. Such ordinance shall list and describe the property so that it may be identified and shall state after each property listed the minimum price or minimum rent therefor and any other terms and conditions of the proposed sale or lease.

c. Such ordinance shall also state that offers for the property will be received for a specified period of time which in no event shall exceed 45 days, commencing on a stated date which shall be not less than 7 days nor more than 14 days after the last publication.

d. Such ordinance shall direct that any prospective purchaser, lessee or duly authorized agent of either may submit offers for any or all of the properties listed at not less than the minimum prices declared in said ordinance.

40A:6-19. Private offering of real property for sale.

Any local unit may sell or lease any of its real property not needed for public purposes or any right, title or interest therein upon receipt of an offer to that effect incorporating the terms and conditions upon which it is being submitted.

a. Every such offer shall thereafter be considered by the governing body at a regular meeting at which any such offer may be rejected or conditionally accepted.

b. If such offer is conditionally accepted, notice of the terms and conditions of the proposed sale or lease, accompanied by a description of the property in question sufficient to assure its

identification, together with a statement of the date, time and place of the meeting of the governing body at which such conditionally accepted offer shall be further considered, along with any better offer then and there made shall be published in a newspaper having a general circulation in the local unit receiving such offer and in the local unit wherein the property is situate once each week for three consecutive weeks.

c. Thereafter, at such advertised meeting of the governing body, which shall be a regular meeting and which shall be not less than 7 nor more than 14 days after the date of the last publication, such conditionally accepted offer or any other offer there made can be finally accepted.

d. The local unit may reject all offers, including the conditionally accepted offer.

e. In no event shall there be a sale or lease to other than the highest responsible bidder.

40A:6-20. Payment of commission to broker.

A local unit may pay a commission of not more than 5% to a duly licensed real estate broker who consummates a sale or lease under section 40A:6-19 hereof. Where such a sale is effected, the commission shall be due and payable when, as and if legal title passes to the purchaser.

Where a leasehold is involved, the right to such commission

shall accrue upon the execution of the lease, but the commission shall be payable over the term of the lease in annual shares as nearly equal as possible, arrived at by dividing the total amount of the commission by the number of years of the leasehold estate.

40A:6-21. Local unit may take purchase money mortgage.

A local unit may accept a purchase money mortgage as part of the purchase price of its real property, provided, however, that the principal and interest on such mortgage must and shall be payable within 5 years from the date of sale and shall bear interest at not less than 5 1/2%.

40A:6-22. Renewals of leasehold.

Any lease by a local unit of its real property which contains an option for its renewal by the tenant may be renewed without complying with the provisions of this chapter only if the rent reserved is equal to or greater than that reserved under the original lease.

40A:6-23. Limitation on sale of recreational land.

A local unit may not sell, lease, convey, exchange or otherwise divest itself of the title to, or the use of, or both, any realty dedicated to public recreational uses and purposes, unless such local unit has become, prior thereto or contemporaneously therewith, the owner in fee of an equal or greater area of realty which possesses facilities for public recreational uses and purposes

which are substantially equal to those possessed by the real property of which divestment of title or use, or both, may be desired.

40A:6-24. Sale or lease of real property to public or charitable bodies.

A local unit may sell or lease its real property not needed for public purposes or any right, title or interest therein by private sale by ordinance passed by the affirmative vote of a majority of the full membership of the governing body to:

a. an incorporated or unincorporated volunteer fire company, to be used only for its purposes;

b. a veterans' organization, exempt firemen's association, rescue squad, or to any incorporated boys' club, affiliated with or a member of the Boys' Club of America, or to any incorporated or unincorporated association known as Young Men's Christian Association, Young Women's Christian Association, Catholic Youth Organization, Young Men's and Young Women's Hebrew Association, or to any incorporated or unincorporated Boy Scout Council, club or troop affiliated with the Boy Scouts of America or Girl Scout Council, club or troop affiliated with the Girl Scouts of America, or to any local chapter of the New Jersey Association for Retarded Children or to any volunteer fire companies, volunteer ambulance or rescue companies. Any such sale or lease shall be conditioned upon the use of the real property only for the charitable purposes of any of such organizations;

c. a duly incorporated non-profit hospital association or historical society to be used only for their purposes;

d. paraplegic veterans. A paraplegic veteran means any officer, soldier, sailor, marine, airman, nurse or other person, male or female, who, when regularly enlisted or inducted in the active military or naval forces of the United States in any war in which the United States was engaged, resided in this State. Additionally, such person must be domiciled in this State at the time of any such sale or lease and must then be suffering from paraplegia resulting in permanent paralysis of both legs or the lower part of the body resulting from injury sustained through enemy action or accident while in such active military or naval service;

e. the State of New Jersey, other local unit or any political entity of either.

40A:6-25. Penalty for violation of chapter.

Any person authorizing, consenting to, making or procuring to be made any contract or agreement in violation of any of the provisions of this chapter, or making or procuring to be made any payment for or on account of any contract or agreement made or entered into in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and the said contract shall, at the option of the local unit, be void.

PART II

The following is an analysis of those sections in Title 40 which pertain to contracts and bids. Many of these sections may be repealed outright because their substance is contained within the purview of the more broadly drawn sections in the proposed draft.

Some of these sections may be retained. Should they be retained, it is recommended that they be brought in line with the \$2,500 basic bid law requirement.

The sections will be described briefly, and a note will be made as to whether or not it is recommended that they be repealed outright or saved, with or without change.

40:9-3. This provides for the obtaining of separate plans for various types of work where the amount to be spent exceeds \$1,000. REPEAL.

40:25-1. This gives to the board of chosen freeholders the absolute power to determine the form and the manner in which contracts shall be executed. REPEAL.

40:25-1.1. This gives the county power to make a fuel contract for 2 years. REPEAL.

40:25-2. This is the bid statute for counties. It should be noted that the amendment to the statute in 1956 increasing the amount from \$1,000 to \$2,500 attempted to tighten up the statute to provide for situations where several purchases might be made from one supplier, each being less than \$2,500, but in

the aggregate being well over \$2,500. REPEAL.

40:25-3. This provides that so far as the county is concerned, no bids are necessary in an emergency situation. REPEAL.

40:25-4. This applies to the county, and states that bidding is not required where the work to be done is done by a county employee. It also states that bids need not be obtained for fresh vegetables, dairy products, etc. REPEAL.

40:25-4.1. This provides that a contract with the United States is exempted from bid procedure, and applies to the county. REPEAL.

40:25-4.2. Provides for county emergency appropriations and this has no place in the contracts law. REPEAL.

40:25-4.3. This provides for designation by the county of one of its employees to enter a bid at a sale of United States property. REPEAL.

40:25-4.4. This provides for the issuance by the county of emergency notes. This has no place in the contracts law. The bond law provides for this. REPEAL.

40:25-5. With regard to the county, states that nothing in this chapter shall affect the election laws. REPEAL.

40:25-6. This applies to counties and provides for the execution of contracts upon bids by county departments. The limitation here is that if anything exceeds \$1,000, bids must be solicited. REPEAL.

40:25-7. This states that the purchasing agent of the county shall prepare the advertisement for bids. REPEAL.

40:25-8. This tells when bids are to be opened. This section applies to the county. REPEAL.

40:25-9. This provides for cash or certified check to accompany a county bid. The amount demanded, according to the statute, should be at least 10%, but in no case should exceed \$20,000. REPEAL.

40:25-10. This deals with the time for making an award. REPEAL.

40:25-11. This requires a certificate of a bidder showing his ability to perform a contract. REPEAL.

40:25-12. Deals with the requirement of a certificate from the owner of the equipment. REPEAL.

40:25-13. Requires the guaranty of a surety company, and a consent from the same. REPEAL.

40:25-14. Provides for the giving of an individual surety bond. REPEAL.

40:25-15. This is merely a statute dealing with definitions. REPEAL.

40:25-16. This permits the standard questionnaire to be submitted to prospective bidders. REPEAL.

40:25-17. Provides for the classification of bidders. REPEAL.

40:25-18. Provides for the reclassification of bidders. REPEAL.

40:25-19. Sets up a board of review. REPEAL.

40:25-20. Deals with reclassification of bidders by such board of review. REPEAL.

40:25-21. Provides for rejection of bids after qualifications of bidders have been established. REPEAL.

40:25-22. Provides for penalties for false statements.

REPEAL.

40:25-23. Deals with forfeiture of deposit where false statements have been made. REPEAL.

40:25-24. Deals with rules and regulations affecting qualifications of bidders and gives the county officials permission to draw such rules and regulations. REPEAL.

40:25-25. Provides for immunity of any county official because of any action taken with regard to classification of bidders. REPEAL.

40:25-26. Provides for the deduction of inspectors' wages when a contract is not completed within the time specified. REPEAL.

40:48-5. This provides that a municipality can get a third party to perform services which it, the municipality, could perform for itself. REPEAL.

40:48-5.1. Provides for contracts with humane societies where no public pound has been established. REPEAL.

40:48-5.2. Provides for the making of contracts with railroads for the elimination of grade crossings. REPEAL.

40:50-1. General bid statute relating to municipalities. REPEAL.

40:50-2. Provides for advertisement for departmental supplies. REPEAL.

40:50-3. Provides for the number of work days within which a contract is to be completed and the payment of inspectors' wages when a contract goes beyond that time. REPEAL.

40:50-4. Advertisement for bids. REPEAL.

40:50-5. Standard questionnaire. REPEAL.

40:50-5.1. Contracts with the United States. REPEAL.

40:50-5.2. Emergency appropriations for contracts with the United States are permitted. REPEAL.

40:50-5.3. Designation of municipal official who can enter bids for United States property. REPEAL.

40:50-5.4. Borrowing to meet emergency appropriation. REPEAL.

40:50-5.5. Fuel contracts. REPEAL.

40:50-5.6. Snow removal contracts. REPEAL.

40:50-6. Financing work contracted for. REPEAL.

40:50-7. Establishment of a purchasing department. REPEAL.

40:50-8. Indemnity agreements with the United States where federal projects are involved. REPEAL.

40:50-9. Exemption from bid procedure of tax maps, etc. REPEAL.

40:50-10. Appropriation ordinance for such contracts. REPEAL.

40:50-11. Exemption from bid procedure of contracts of technical nature. REPEAL.

40:50-12. Emergency appropriation. REPEAL.

40:50-13. Special emergency notes. REPEAL.

40:50-14. Water supply and sewerage contracts, abrogation. REPEAL.

40:50-15. Voter approval required. REPEAL.

40:56-11. Work in connection with a local or general improvement may be contracted for and awarded to lowest responsible bidder. REPEAL.

40:63-41 through 40:63-51. Provides for contracts for services and garbage and sewerage disposal. REPEAL.

40:23-26. Provides for sale by freeholders of personal property not needed for public use. REPEAL.

40:23-27. Provides for advertisement for bids where personal property to be sold exceeds the value of \$1,000. REPEAL.

40:60-28. Sale of property not needed for public use to abutting owner. REPEAL.

40:15-1. This provides that county and municipal specifications shall state that on any work done for either, goods manufactured in the United States, wherever available shall be used. REPEAL.

The following sections are contained in the public lands and building sections of the statute, namely, 40:60-1 et seq:

40:60-1 to 40:60-25, 40:60-25.1 to 40:60-25.46. These statutes give the power to municipalities to acquire land for museums, to cede land to the United States for public parks, to give land to veterans' associations, etc. REPEAL.

40:60-26. Public or private sale of lands and buildings. REPEAL.

40:60-27. Exchange of park lands or streets. REPEAL.

40:60-28. Sale of vacated lands to abutting owner. REPEAL.

40:60-29. Sale to United States or State of New Jersey. REPEAL.

40:60-13. Sale of contingent interest in land. REPEAL.

40:60-31. Proceeds of sale can be used to retire bonds. REPEAL.

40:60-32. Vacation of lands dedicated to public use, referendum. REPEAL.

40:60-33. Provides for the referendum set up by 40:60-32. REPEAL.

40:60-34. Provides for the matter of setting up the ballot.

REPEAL.

40:60-35. Provides for the restoration of fee to the owner.

REPEAL.

40:60-36. Excepts certain property. REPEAL.

40:60-37. Transfer to State or Federal government. REPEAL.

40:60-38. General power of municipality to acquire a fee.

Also treats of condemnation. REPEAL.

40:60-39. Transfer of municipal lands for school purposes. REPEAL.

40:60-40. Method of conveyance to the board of education. REPEAL.

40:60-42. Power to lease unused lands and buildings. REPEAL.

40:60-43. Lease to historical society. REPEAL.

40:60-44. Lease to veterans' association. REPEAL.

40:60-45. Lease to veterans' association. REPEAL.

40:60-46. Leasing municipally owned bathing establishment, sets up a referendum procedure. REPEAL.

40:60-47. Deals with the number of signatures required for the referendum. REPEAL.

40:60-48. Provides for the lease of such bathing facilities. REPEAL.

40:60-49. Provides for the advertising for bids therefor. REPEAL.

40:60-50 and 40:60-51 treat of transfer of municipal property to the Federal government to be used as a national park. REPEAL.

40:60-52 up to and including 40:60-57. All those sections, by the very terms of the law itself, became null and void on January 1, 1941. REPEAL.

40:60-27.3. Perfection of title. REPEAL.

40:60-27.4. Reconveyance of lands conveyed for educational or park purposes. REPEAL.

40:60-28.1. Sale of riparian lands formerly dedicated. REPEAL.

40:60-32. Vacation of lands dedicated to public use other than a public street, referendum. REPEAL.

40:60-36.1. Lands restricted to beach and park purposes, retention or disposition thereof by referendum. REPEAL.

40:60-36.2. Lands conveyed with conditions, election on retention thereof. REPEAL.

40:60-36.3. Offer of reconveyance of land conveyed with conditions. REPEAL.

40:60-36.4. Use of land conveyed with conditions on refusal of offer of reconveyance. REPEAL.

40:60-40.1. Conveyance to veterans' organization of property not needed for public purposes. REPEAL.

40:60-40.2. Conveyance to paraplegic veterans. REPEAL.

40:60-40.3. Paraplegic defined. REPEAL.

40:60-40.4. Conveyance by veterans' organization to paraplegic veteran. REPEAL.

40:60-40.5. Conveyance to volunteer fire company. REPEAL.

40:60-45.1. Conveyance to exempt firemen's association. REPEAL.

40:60-45.2. Lease to rescue squad. REPEAL.

40:60-45.3. Lease to boys' and girls' clubs. REPEAL.

40:60-45.4. Lease to volunteer fire company. REPEAL.

40:60-5.1. Exchange of lands authorized. REPEAL.

40:60-51.2. Waiver of restrictions by municipality when it conveys land. REPEAL.

40:60-51.3. Exchange of land. REPEAL.

40:60-51.4. Other laws not affected. REPEAL.

40:60-51.5. Waiver of conditions as to erection of buildings or use of land permitted. REPEAL.

40:60-51.6. Sale of unneeded lands to non-profit hospital association. REPEAL.

40:60-51.7. Sale of lands required for places of resort and recreation. REPEAL.

40:10-8. This provides that no commission established to erect a memorial shall contract for work, materials, supplies or labor where the sum to be spent exceeds \$500.00 without first advertising for bids. REPEAL.

40:14-6. This provides that a county or municipality cannot improve inland waterways without first complying with bid procedure as outlined under 40:50-1. REPEAL.

40:23-26 and 40:23-27. The former provides that freeholders may sell all personal property not needed for public purposes, and the latter statute states that whenever the value of such personal property exceeds \$1,000, bids must be solicited as provided in present section 40:25-8. REPEAL.

40:50-13. This section provides for the issuance of special emergency notes. This is now provided for in the bond law. REPEAL.

40:61-22.16. This states that a lease by a municipality of lands used for a public golf course and other recreational purposes can only be made after public bidding and advertisement. REPEAL.

40:61-22.3. This provides that a sale by a municipality of land reclaimed from underwater can only be made by means of a public sale after advertisement and bids. REPEAL.

40:62-63. This states that any work to be performed by a municipality under section 40:62-47 up to and including 40:62-105 (water supply), if over \$1,000 must be the subject of advertisement and bids pursuant to 40:50-1. It is recommended that this section be repealed. However, if it is not repealed, then the \$1,000 limitation should be raised to \$2,500.

40:62-136. This states that where a commission is set up by two or more municipalities to run a waterworks, there must be advertisement for bids if the work to be done or the material to be furnished exceeds \$1,000. It is recommended that this section be repealed. However, if it is decided that this section should be retained, then the \$1,000 limitation should be increased to \$2,500.

40:63-64. This states that a municipality, only after advertisement and bids, can award a one-year contract to an entity to make sewer and toilet connections. REPEAL.

40:63-94 and 40:63-95. The former gives municipalities power to contract with regard to sewage disposal, and the latter provides

that any work to be done or materials furnished in this connection cannot exceed \$500.00 without the necessity of following bid procedure. It is recommended that the \$500.00 limitation be increased to \$2,500.

40:65-11. This states that a municipality may contract with the lowest responsible bidder to make all sidewalk repairs in a municipality for one year, provided such contract shall have been awarded in the same manner as other municipal contracts. REPEAL.

40:66-4. This provides that a municipality may contract for street cleaning or garbage removal if the amount to be spent is under \$1,000. If the amount to be spent exceeds \$1,000, the municipality must comply with section 40:50-1. REPEAL.

40:66-6 provides that a municipality may grant a franchise, not exceeding 20 years, to any person to operate within the limits of the municipality a crematory for the incineration of refuse, garbage and dead animals. It is suggested that this section be repealed as being against the philosophy of the contract law, which is to require bids except in the limited situations set forth.

40:67-14. This provides that a municipality may contract for 5 years for the furnishing of street lighting. REPEAL.

40:67-15. This states that a municipality may contract with the park commission to contribute to the cost of street lighting. REPEAL.

40:67-27. This states that any municipality may contract with the county for any county improvements or municipal roads without the necessity of bids. REPEAL.

40:67-41. This, in substance, states that any two municipalities, between which there is precipitous terrain, may build a viaduct, bridge or tunnel after having first advertised for bids. REPEAL.

40:68-2. This provides that a municipality may make improvements to wharves, piers and docks only after public advertisement and bids. REPEAL.

40:128-1. This states that where street improvements are over \$1,000, a municipality must comply with section 40:50-1. REPEAL.

40:177-1. This states that a municipality may build a sewer for use by an abutting property owner without bids only if the cost is less than \$1,000. REPEAL.

40:179-10. This states that a municipal waterfront improvement, if over \$500.00, can only be undertaken after advertisement for bids. REPEAL.

40:179-48. This states that an industrial terminal improvement, if over \$2,000, cannot be undertaken by a municipality until and unless bids have been solicited. REPEAL.

40:179-59. This states that a city cannot build docks without bids if the cost is over \$2,000. REPEAL.

TABLE I

Showing Derivation of Sections of Statutes of

TITLE 40A

TITLE 40A. MUNICIPALITIES AND COUNTIES

CHAPTER 6. LOCAL CONTRACTS LAW

<u>Title 40A</u>	<u>R.S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
40A:6-1	40:25-1 40:25-2	As am. L. 1938, c. 167, s. 1; L. 1956, c. 80, s. 1; L. 1957, c. 208, s. 1.
	40:25-3 40:25-4 40:25-4.1 40:50-1	L. 1945, c. 111, s. 1. As am. L. 1957, c. 30, s. 1; L. 1957, c. 209, s. 1.
	40:50-5 40:50-5.1	L. 1943, c. 198, s. 1, as am. L. 1956, c. 6, s. 1.
	40:50-5.6 40:50-8 40:50-9 40:50-10	L. 1945, c. 160, s. 1. L. 1949, c. 67, s. 1. L. 1956, c. 48, s. 1. L. 1956, c. 48, s. 2.
	40:60-1 40:60-2 40:60-3	As am. L. 1940, c. 140, s. 1; L. 1943, c. 39, s. 1.
	40:60-4 40:60-5 40:60-6 40:60-7 40:60-8 40:60-9 40:60-10 40:60-11 40:60-12 40:60-13 40:60-14 40:60-15 40:60-16 40:60-17 40:60-18 40:60-19	As am. L. 1954, c. 39, s. 1.

<u>Title 40A</u>	<u>R.S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
40A:6-1 (continued)	40:60-20	
	40:60-21	
	40:60-22	
	40:60-23	
	40:60-24	
	40:60-25	As am. L. 1941, c. 33, s. 1.
	40:60-25.1	L. 1942, c. 138, s. 1, as am. L. 1954, c. 205, s. 1, L. 1957, c. 172, s. 1.
	40:60-25.2	L. 1942, c. 138, s. 2.
	40:60-25.3	L. 1942, c. 138, s. 3.
	40:60-25.4	L. 1942, c. 138, s. 4.
	40:60-25.5	L. 1942, c. 138, s. 5.
	40:60-25.6	L. 1942, c. 138, s. 6.
	40:60-25.7	L. 1944, c. 206, s. 1.
	40:60-25.8	L. 1944, c. 206, s. 2.
	40:60-25.9	L. 1944, c. 206, s. 3.
	40:60-25.10	L. 1944, c. 206, s. 4.
	40:60-25.11	L. 1944, c. 206, s. 5.
	40:60-25.12	L. 1944, c. 206, s. 6.
	40:60-25.13	L. 1944, c. 206, s. 7.
	40:60-25.14	L. 1944, c. 206, s. 8.
	40:60-25.15	L. 1944, c. 206, s. 9.
	40:60-25.16	L. 1944, c. 206, s. 10.
	40:60-25.17	L. 1944, c. 206, s. 11.
	40:60-25.18	L. 1946, c. 245, s. 1, as am. L. 1947, c. 361, s. 1.
	40:60-25.19	L. 1946, c. 245, s. 2.
	40:60-25.20	L. 1946, c. 245, s. 3.
	40:60-25.21	L. 1946, c. 245, s. 4.
	40:60-25.22	L. 1946, c. 245, s. 5.
	40:60-25.23	L. 1946, c. 245, s. 6.
	40:60-25.24	L. 1946, c. 245, s. 7.
	40:60-25.25	L. 1946, c. 245, s. 8.
	40:60-25.26	L. 1946, c. 245, s. 9.
	40:60-25.27	L. 1946, c. 302, s. 1.
	40:60-25.28	L. 1946, c. 302, s. 2.
	40:60-25.29	L. 1946, c. 302, s. 3.
	40:60-25.30	L. 1946, c. 302, s. 4.
	40:60-25.31	L. 1946, c. 302, s. 5.
	40:60-25.32	L. 1946, c. 302, s. 6.
	40:60-25.33	L. 1948, c. 80, s. 1.
	40:60-25.34	L. 1948, c. 80, s. 2.
	40:60-25.35	L. 1948, c. 80, s. 3.
	40:60-25.36	L. 1948, c. 80, s. 4.
	40:60-25.37	L. 1948, c. 80, s. 5, as am. L. 1953, c. 37, s. 202.
	40:60-25.38	Repealed. L. 1953, c. 37, s. 203.

<u>Title 40A</u>	<u>R.S. 1937</u> <u>N.J.S.A.</u>	<u>Subsequent Laws</u>
40A:6-1 (continued)	40:60-25.39	L. 1948, c. 80, s. 7, as am. L. 1953, c. 37, s. 204.
	40:60-25.40	L. 1948, c. 80, s. 8, as am. L. 1953, c. 37, s. 205.
	40:60-25.41	L. 1948, c. 80, s. 9.
	40:60-25.42	L. 1948, c. 80, s. 10, as am. L. 1953, c. 37, s. 206.
	40:60-25.43	L. 1948, c. 80, s. 11.
	40:60-25.44	L. 1948, c. 80, s. 12, as am. L. 1953, c. 37, s. 207.
	40:60-25.45	L. 1948, c. 80, s. 13, as am. L. 1953, c. 37, s. 208.
	40:60-25.46	L. 1948, c. 80, s. 14.
	40:60-26	As am. L. 1938, c. 300, s. 1, L. 1939, c. 66, s. 1, L. 1939, c. 344, s. 1, L. 1944, c. 160, s. 1, L. 1946, c. 106, s. 1, L. 1947, c. 417, s. 1, L. 1948, c. 245, s. 1, L. 1957, c. 86, s. 1.
	40:60-38	
	40:60-42	
	40:60-48	
	40:60-49	
	40:60-51.1	L. 1942, c. 199, s. 1, as am. L. 1946, c. 157, s. 1, L. 1958, c. 160, s. 1.
	40:60-51.2	L. 1943, c. 33, s. 1, as am. L. 1946, c. 140, s. 2, L. 1950, c. 136, s. 1, L. 1951, c. 142, s. 1, L. 1956, c. 111, s. 1, L. 1958, c. 119, s. 1.
	40:60-51.3	L. 1944, c. 77, s. 1.
	40:60-51.4	L. 1944, c. 77, s. 2.
	40:60-51.5	L. 1953, c. 403, s. 1.
	40:61-22.16	L. 1952, c. 320, s. 2
	40:67-15	
	40:68-2	
	40:128-1	
	40:177-1	
	40:179-10	
	40:179-48	
	40:179-59	

<u>Title 40A</u>	R.S. 1937 N.J.S.A.	<u>Subsequent Laws</u>
40A:6-2	40:50-6	As am. L. 1941, c. 189, s. 1.
40A:6-3	40:25-2	As am. L. 1938, c. 167, s. 1, L. 1956, c. 80, s. 1, L. 1957, c. 208, s. 1.
	40:25-4	
	40:25-4.1	L. 1945, c. 111, s. 1.
	40:25-4.2	L. 1945, c. 111, s. 2.
	40:25-6	
	40:50-1	As am. L. 1957, c. 30, s. 1, L. 1957, c. 209, s. 1.
	40:50-5	
	40:50-6	As am. L. 1941, c. 189, s. 1.
	40:50-11	L. 1956, c. 48, s. 3.
	40:50-12	L. 1956, c. 48, s. 4.
	New	
40A:6-4	40:25-2	As am. L. 1938, c. 167, s. 1, L. 1956, c. 80, s. 1, L. 1957, c. 208, s. 1.
	40:25-3	
	40:25-4	
	40:25-4.1	L. 1945, c. 111, s. 1.
	40:25-4.2	L. 1945, c. 111, s. 2.
	40:50-1	As am. L. 1957, c. 30, s. 1, L. 1957, c. 209, s. 1.
	40:50-2	
	40:50-4	
	40:50-5.2	L. 1943, c. 198, s. 2.
	40:50-5.5	L. 1945, c. 158, s. 1.
	40:50-5.6	L. 1945, c. 160, s. 1.
	40:67-27	
	52:34-9	L. 1954, c. 48, s. 4.
	52:34-10	L. 1954, c. 48, s. 5.
40A:6-5	40:25-8	
	40:25-9	
	40:25-10	As am. L. 1955, c. 191, s. 1
	40:50-1	As am. L. 1957, c. 30, s. 1, L. 1957, c. 209, s. 1.
	40:50-4	
	52:34-12	L. 1954, c. 48, s. 7.
	New	
40A:6-6	40:25-8	
	52:34-12	L. 1954, c. 48, s. 7.
	New	

<u>Title 40A</u>	<u>R.S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
40A:6-7	40:25-10	As am. L. 1955, c. 191, s. 1.
40A:6-8	40:25-10	As am. L. 1955, c. 191, s. 1.
40A:6-9	40:50-14 40:50-15	L. 1956, c. 168, s. 1. L. 1956, c. 168, s. 2.
40A:6-10	40:50-14 40:50-15	L. 1956, c. 168, s. 1. L. 1956, c. 168, s. 2.
40A:6-11	40:25-1 40:25-13 40:25-14	As am. L. 1957, c. 54, s. 1.
40A:6-12	40:25-16 40:50-5	
40A:6-13	40:25-11 40:25-12	
40A:6-14	40:25-26	
40A:6-15	40:23-26 40:23-27	As am. L. 1947, c. 106, s. 1.
40A:6-16	40:23-27	As am. L. 1947, c. 106, s. 1.
40A:6-17 to 40A:6-19, inc.	40:60-1 40:60-2 40:60-3 40:60-4 40:60-5 40:60-6 40:60-7 40:60-8 40:60-9 40:60-10 40:60-11 40:60-12 40:60-13 40:60-14 40:60-15 40:60-16 40:60-17 40:60-18 40:60-19 40:60-20 40:60-21	As am. L. 1940, c. 140, s. 1, L. 1943, c. 39, s. 1. As am. L. 1954, c. 39, s. 1.

Title 40A

R.S. 1937
N.J.S.A.

Subsequent Laws

40A:6-17 to
40A:6-19, inc.
(continued)

40:60-22	
40:60-23	
40:60-24	
40:60-25	As am. L. 1941, c. 33, s. 1.
40:60-25.1	L. 1942, c. 138, s. 1, as am. L. 1954, c. 205, s. 1, L. 1957, c. 172, s. 1.
40:60-25.2	L. 1942, c. 138, s. 2.
40:60-25.3	L. 1942, c. 138, s. 3.
40:60-25.4	L. 1942, c. 138, s. 4.
40:60-25.5	L. 1942, c. 138, s. 5.
40:60-25.6	L. 1942, c. 138, s. 6.
40:60-25.7	L. 1944, c. 206, s. 1.
40:60-25.8	L. 1944, c. 206, s. 2.
40:60-25.9	L. 1944, c. 206, s. 3.
40:60-25.10	L. 1944, c. 206, s. 4.
40:60-25.11	L. 1944, c. 206, s. 5.
40:60-25.12	L. 1944, c. 206, s. 6.
40:60-25.13	L. 1944, c. 206, s. 7.
40:60-25.14	L. 1944, c. 206, s. 8.
40:60-25.15	L. 1944, c. 206, s. 9.
40:60-25.16	L. 1944, c. 206, s. 10.
40:60-25.17	L. 1944, c. 206, s. 11.
40:60-25.18	L. 1946, c. 245, s. 1, as am. L. 1947, c. 361, s. 1.
40:60-25.19	L. 1946, c. 245, s. 2.
40:60-25.20	L. 1946, c. 245, s. 3.
40:60-25.21	L. 1946, c. 245, s. 4.
40:60-25.22	L. 1946, c. 245, s. 5.
40:60-25.23	L. 1946, c. 245, s. 6.
40:60-25.24	L. 1946, c. 245, s. 7.
40:60-25.25	L. 1946, c. 245, s. 8.
40:60-25.26	L. 1946, c. 245, s. 9.
40:60-25.27	L. 1946, c. 302, s. 1.
40:60-25.28	L. 1946, c. 302, s. 2.
40:60-25.29	L. 1946, c. 302, s. 3.
40:60-25.30	L. 1946, c. 302, s. 4.
40:60-25.31	L. 1946, c. 302, s. 5.
40:60-25.32	L. 1946, c. 302, s. 6.
40:60-25.33	L. 1948, c. 80, s. 1.
40:60-25.34	L. 1948, c. 80, s. 2.
40:60-25.35	L. 1948, c. 80, s. 3.
40:60-25.36	L. 1948, c. 80, s. 4.
40:60-25.37	L. 1948, c. 80, s. 5, as am. L. 1953, c. 37, s. 202.
40:60-25.38	Repealed. L. 1953, c. 37, s. 203.

<u>Title 40A</u>	<u>R.S. 1937 N.J.S.A.</u>	<u>Subsequent Laws</u>
40A:6-17 to 40A:6-19, inc. (continued)	40:60-25.39	L. 1948, c. 80, s. 7, as am. L. 1953, c. 37, s. 204.
	40:60-25.40	L. 1948, c. 80, s. 8, as am. L. 1953, c. 37, s. 205.
	40:60-25.41	L. 1948, c. 80, s. 9.
	40:60-25.42	L. 1948, c. 80, s. 10, as am. L. 1953, c. 37, s. 206.
	40:60-25.43	L. 1948, c. 80, s. 11.
	40:60-25.44	L. 1948, c. 80, s. 12, as am. L. 1953, c. 37, s. 207.
	40:60-25.45	L. 1948, c. 80, s. 13, as am. L. 1953, c. 37, s. 208.
	40:60-25.46	L. 1948, c. 80, s. 14.
	40:60-26	As am. L. 1938, c. 300, s. 1, L. 1939, c. 66, s. 1, L. 1939, c. 344, s. 1, L. 1944, c. 160, s. 1, L. 1946, c. 106, s. 1, L. 1947, c. 417, s. 1, L. 1948, c. 245, s. 1, L. 1957, c. 86, s. 1
	40:61-22.3	L. 1938, c. 87, s. 2.
40A:6-20	New	
40A:6-21	New	
40A:6-22	New	
40A:6-23	40:60-27 40:60-51.7 New	L. 1958, c. 118, s. 1.
40A:6-24	40:60-40.1 40:60-40.2 40:60-40.3 40:60-40.4 40:60-40.5 40:60-43 40:60-44 40:60-45 40:60-45.1 40:60-45.2 40:60-45.3	L. 1947, c. 87, s. 1. L. 1948, c. 246, s. 1, as am. L. 1949, c. 61, s. 2. L. 1948, c. 246, s. 2. L. 1949, c. 61, s. 3. L. 1954, c. 143, s. 1, as am. L. 1955, c. 127, s. 1. L. 1940, c. 145, s. 1. L. 1947, c. 316, s. 1. L. 1950, c. 184, s. 1, as am. L. 1951, c. 132, s. 2, L. 1955, c. 130, s. 1, L. 1957, c. 105, s. 1.

<u>Title 40A</u>	<u>R.S. 1937</u> <u>N.J.S.A.</u>	<u>Subsequent Laws</u>
40A:6-24 (continued)	40:60-45.4 40:60-51.6	L. 1954, c. 184, s. 1. L. 1957, c. 148, s. 1.
40A:6-25	40:25-2	As am. L. 1938, c. 167, s. 1, L. 1956, c. 80, s. 1, L. 1957, c. 208, s. 1.

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CONTRACTS



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CONTRACTS

40A:6-1. Power to make purchases and execute contracts.

a. A local unit may make purchases, execute contracts, acquire real property, lease any of its real property not needed for public purposes only in accordance with the provisions of this chapter.

b. A local unit may sell any of its real property or personal property not needed for public purposes only in accordance with the provisions of this chapter.

40A:6-2. Appropriations to finance contracts.

A local unit shall not enter into any contract, the cost of which is to be paid from funds which have not been appropriated in the budget for the year unless prior thereto the governing body shall have adopted an appropriation sufficient to meet the costs of such contract.

This section shall not apply to funds of departments for the operation of which budget appropriations are not made.

Subject to the approval of the board, this section shall not apply to contracts for professional services for the liquidation or foreclosure of tax liens where it is agreed that the cost of the services are to be paid in whole or in part from the funds derived or to be derived from the redemption of liened property or the sale of foreclosed property.

40A:6-3. Public advertisement for bids.

a. Except as provided in this chapter, all purchases, contracts or agreements, the cost or price of which is to be paid with or out of funds of a local unit shall be awarded to the lowest responsible bidder on the basis of public advertising for bids therefor.

b. A local unit may reject all bids when it determines that it is in the public interest to do so and may, in its sole discretion, choose any one or two or more of the bidders who have submitted equal bids and who are the lowest responsible bidders.

40A:6-4. Public advertisement for bids not required.

Any purchase, contract or agreement may be made or awarded by a local unit without public advertising for bids where

a. the aggregate amount involved does not exceed \$2,500.;

b. the governing body by resolution passed by the affirmative vote of a majority of the full membership thereof determines that an emergency exists and the public interest requires. Said resolution shall state the nature of the emergency and the amount to be spent therefor;

c. the purchases are to be made from or the contract is to be made with the federal or any state government or any agency or political subdivision thereof, or any other local unit, or any political subdivision to which the local unit contributes tax-raised funds;

d. it contracts with a public utility organized under the laws of the State of New Jersey and which is subject to regulation by the Public Utilities Commission of this State for its services and for the use of the product of its manufacture;

e. it contracts for services which have been determined by resolution passed by the affirmative vote of a majority of the full membership of the governing body to be of such a technical or unique nature that public bidding is neither feasible nor practical;

f. it contracts for equipment of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts;

g. it purchases perishable foods or subsistence supplies;

h. only one source of supply is available, and the governing body so certifies by resolution passed by the affirmative vote of a majority of the full membership thereof;

i. it purchases any materials, supplies, equipment or apparatus pursuant to an open-end contract for the same, entered into on behalf of the State, and the Division of Purchase and Property is hereby empowered to make such open-end contracts. Such contract may include a provision for the purchase of such materials, supplies, equipment or apparatus by any local unit from such contractor.

40A:6-5. Contents of advertisements for bids.

Advertisements for bids shall be so drawn as to promote the

fullest and freest competition possible.

a. Advertisements for bids shall be published at least once, not less than 10 days prior to the date fixed for receiving such bids, in a newspaper designated by the governing body from those having a general circulation in the local unit.

b. Every advertisement shall state

1. the amount of deposit, by way of cash, certified check or other security, if any, which must accompany the bid,

2. the time and place for the opening of such bids,

3. the complete address to which all bids must be mailed by bidders who do not choose to personally submit their bids,

4. the postmarked date which each envelope containing a mailed bid must bear in order to be considered, and the legend that must appear on each such envelope so that it can be identified as containing a bid and thus remain sealed and unopened until all sealed bids are publicly opened and read, and

5. such other terms and conditions as the local unit may deem necessary and proper, including a statement as to whether any required deposit shall be in limitation of damages.

c. All bids shall be publicly opened, read and considered at the time and place fixed for the opening of such bids. The governing body shall make a proper record of the prices and terms of the bids upon its minutes.

40A:6-6. Contents of specifications for bids.

Specifications for bids shall be so drawn as to promote the fullest and freest competition possible.

a. Specifications shall adequately describe the work or services to be performed or the materials to be furnished, or both, and shall designate the date upon which such work or services shall be completed or such material delivered, and any other information necessary to provide bidders with adequate information of what is required.

b. All specifications for work shall fix the date on or before which the same shall be completed, or shall fix the number of working days to be allowed for the completion of the said work.

c. Where the contract is for the collection, removal or disposal of garbage, ashes, trash or other debris¹, in addition to the foregoing, the specifications shall include a requirement that if the local unit will not use its own dump area, every bidder for such a contract must submit, along with his bid, proof that he has adequate dumping facilities for the entire period of the contract.

40A:6-7. Time for granting bids.

Unless otherwise provided in the specifications, the award to the lowest responsible bidder shall be made within 90 days after the day upon which the sealed bids were publicly opened and read.

40A:6-8. Return of deposit to unsuccessful bidders.

All cash or proposal checks delivered with the bids shall be returned to the unsuccessful bidders within three days after the contract has been signed.

40A:6-9. Separate bids for building construction.

In the preparation of plans and specifications for the erection, construction, alteration or repair of any public building by any local unit or political subdivision thereof, when the entire cost of the work will exceed \$2,500, the person preparing the plans and specifications shall, if the governing body so determines, prepare separate plans and specifications for

- a. general construction,
- b. structural steel and ornamental iron work,
- c. heating and ventilating apparatus and kindred work,
- d. plumbing and gas fitting and kindred work,
- e. electrical work.

The local unit in such case may receive separate bids for each of said branches of work and award contracts therefor to the lowest responsible bidder for each of such branches respectively.

40A:6-10. Limitation on term of contracts.

Any purchase contract or agreement entered into by a local unit pursuant to this chapter shall not exceed a term of one year except as provided in any other law.

40A:6-11. Surety requirements.

a. When a local unit demands a surety company bond, it may prescribe the form and manner of execution and approval of all guarantee, indemnity, fidelity and all other bonds of surety given to the local unit, and in such case, it shall require from every bidder submitting a bid a certificate from a surety company authorized to do business in New Jersey, stating that such company will give to the bidder a bond in the sum required by the local unit.

b. A local unit may permit the bidder to submit the bond of an individual rather than a surety company. In such case, the bidder may submit with his bid a certificate, signed by such individual surety, similar to that required of a surety company in paragraph a hereof. The local unit may reject any bid, if it is not satisfied with the sufficiency of the individual surety.

40A:6-12. Standard questionnaire.

Any local unit may adopt a standard form of statement or questionnaire for bidders on public work and may require from any person proposing to bid on any contract for public work a statement, under oath, standardized for like classes of work, showing his financial ability, adequacy of plant and equipment, ability to perform the contract, and prior experience in performing public work, before furnishing him with the plans and specifications therefor. If not satisfied with the sufficiency of the statement, the local unit may refuse to furnish plans and specifications to him.

40A:6-12. (cont'd)

No action for damages shall lie against any officer, board or department of any local unit for refusal to furnish plans and specifications on public work duly advertised.

40A:6-13. Bidders' or owners' certificate proving possession of necessary equipment to perform contract.

Any local unit may require from any bidder a certificate stating that it owns all the necessary equipment required to perform any work bid for within the time specified. In addition, if the bidder is not the owner of the required equipment, the said certificate shall further state the name and address of the owner of such equipment and shall be accompanied by a certificate of such owner unconditionally granting to the bidder the use of the required equipment until the work bid for shall have been completed.

40A:6-14. Payment of inspectors' wages.

Every contract executed by any local unit for any work requiring inspection shall provide that the person doing the work shall reimburse the local unit for the wages of any inspector or inspectors incurred after the day or time fixed for the completion thereof.

40A:6-15. Public sale of personal property.

Any local unit may, by resolution of its governing body, sell its personal property not needed for public purposes at public sale to the highest bidder and appropriate the proceeds thereof to the legal use of the local unit. Notice of the date, time and place of sale, along with the description of the items to be sold shall be

40A:6-15. (cont'd)

published in a newspaper having a general circulation in the local unit once during the week prior to such sale, which must be held not less than 7 nor more than 14 days after the last publication of notice thereof.

If no bids are received at such sale, the property may then be sold at private sale without further publication or notice.

A local unit may reject all bids submitted at such sale if it determines that it is in the public interest to do so.

40A:6-16. Sale of personal property without bids.

A local unit may sell its personal property not needed for public purposes without advertising for bids when it makes such sale to the United States, the State of New Jersey, another local unit or to any political subdivision to which it contributes tax-raised funds or if the estimated fair value of the property does not exceed an aggregate amount of \$500.00 in any one sale.

40A:6-17. Public sale of real property.

A local unit may sell or lease its real property not required for public purposes or any right, title or interest therein at a public offering.

a. Notice of the time, place, terms and conditions of such offering shall be by advertisement sufficiently descriptive to establish a common and definite standard upon which competitive bids can be solicited.

40A:6-17. (cont'd)

b. Such advertisement shall be published once each week for two consecutive weeks in a newspaper having a general circulation in the local unit offering the property for sale and in the local unit wherein such realty is situate.

c. The public offering shall be held not less than 7 nor more than 14 days after the last such publication.

d. The local unit may, by resolution, fix a minimum sale price or the minimum amount of rent to be reserved in the event of a lease, notice of either or both of which shall be contained in the advertisement.

e. No such sale or lease shall have any legal effect unless and until it shall have been approved by the governing body within 45 days after the date of such public offering.

40A:6-18. Sale or lease of real property by ordinance.

Any local unit may authorize the sale or lease of its real property not needed for public purposes or any right, title or interest therein to the highest responsible bidder by passage of an ordinance to that effect.

a. The ordinance in its entirety shall be published once each week for two consecutive weeks in a newspaper having a general circulation in the local unit which is offering the property for sale and in the local unit wherein such property is situate.

40A:6-18. (cont'd)

b. Such ordinance shall list and describe the property so that it may be identified and shall state after each property listed the minimum price or minimum rent therefor and any other terms and conditions of the proposed sale or lease.

c. Such ordinance shall also state that offers for the property will be received for a specified period of time which in no event shall exceed 45 days, commencing on a stated date which shall be not less than 7 days nor more than 14 days after the last publication.

d. Such ordinance shall direct that any prospective purchaser, lessee or duly authorized agent of either may submit offers for any or all of the properties listed at not less than the minimum prices declared in said ordinance.

40A:6-19. Private offering of real property for sale.

Any local unit may sell or lease any of its real property not needed for public purposes or any right, title or interest therein upon receipt of an offer to that effect incorporating the terms and conditions upon which it is being submitted.

a. Every such offer shall thereafter be considered by the governing body at a regular meeting at which any such offer may be rejected or conditionally accepted.

b. If such offer is conditionally accepted, notice of the terms and conditions of the proposed sale or lease, accompanied by a description of the property in question sufficient to assure its

40A:6-19 (cont'd)

identification, together with a statement of the date, time and place of the meeting of the governing body at which such conditionally accepted offer shall be further considered, along with any better offer then and there made shall be published in a newspaper having a general circulation in the local unit receiving such offer and in the local unit wherein the property is situate once each week for three consecutive weeks.

c. Thereafter, at such advertised meeting of the governing body, which shall be a regular meeting and which shall be not less than 7 nor more than 14 days after the date of the last publication, such conditionally accepted offer or any other offer there made can be finally accepted.

d. The local unit may reject all offers, including the conditionally accepted offer.

e. In no event shall there be a sale or lease to other than the highest responsible bidder.

40A:6-20. Payment of commission to broker.

A local unit may pay a commission of not more than 5% to a duly licensed real estate broker who consummates a sale or lease under sections 40A:6-17, 40A:6-18 and 40A:6-19 hereof. Where such a sale is effected, the commission shall be due and payable when, as and if legal title passes to the purchaser.

Where a leasehold is involved, the right to such commission

40A:6-20. (cont'd)

shall accrue upon the execution of the lease, but the commission shall be payable over the term of the lease in annual shares as nearly equal as possible, arrived at by dividing the total amount of the commission by the number of years of the leasehold estate.

40A:6-21. Local unit may take purchase money mortgage.

A local unit may accept a purchase money mortgage as part of the purchase price of its real property, provided, however, that the principal and interest on such mortgage must and shall be payable within five years from the date of sale and shall bear interest at not less than 5 1/2%.

40A:6-22. Renewals of leasehold.

Any lease executed pursuant to this chapter and containing an option for its renewal by the tenant may be renewed without complying with any of the provisions of this chapter only if the rent reserved is equal to or greater than that reserved under the original lease.

40A:6-23. Limitation on sale of recreational land.

A local unit may not sell, lease, convey, exchange or otherwise divest itself of the title to, or the use of, or both, any realty dedicated to public recreational uses and purposes, unless such local unit has become, prior thereto or contemporaneously therewith, the owner in fee of an equal or greater area of realty which possesses facilities for public recreational uses and purposes

40A:6-23. (cont'd)

which are substantially equal to those possessed by the real property of which divestment of title or use, or both, may be desired.

40A:6-24. Sale or lease of real property to public or charitable bodies.

A local unit may sell its real property not needed for public purposes or any right, title or interest therein by private sale by ordinance passed by the affirmative vote of a majority of the full membership of the governing body, determine the consideration, if any, to be paid when it executes any instrument of conveyance to perfect title to real property previously lawfully conveyed by it or when it sells or leases real property not needed for public purposes to:

a. an incorporated or unincorporated volunteer fire company, to be used only for its purposes;

b. a veterans' organization, exempt firemen's association, rescue squad, or to any incorporated boys' club, affiliated with or a member of the Boys' Club of America, or to any incorporated or unincorporated association known as Young Men's Christian Association, Young Women's Christian Association, Catholic Youth Organization, Young Men's and Young Women's Hebrew Association, or to any incorporated or unincorporated Boy Scout Council, club or troop affiliated with the Boy Scouts of America or Girl Scout Council, club or troop affiliated with the Girl Scouts of America,

40A:6-24. (cont'd)

or to any local chapter of the New Jersey Association for Retarded Children. Any such sale or lease shall be conditioned upon the use of the real property only for the charitable purposes of any of such organizations;

c. a duly incorporated non-profit hospital association or historical society to be used only for their purposes;

d. paraplegic veterans. A paraplegic veteran means any officer, soldier, sailor, marine, nurse or other person, male or female, who, when regularly enlisted or inducted in the active military or naval forces of the United States in any war in which the United States was engaged, resided in this State. Additionally, such person must be domiciled in this State at the time of any such sale or lease and must then be suffering from paraplegia resulting in permanent paralysis of both legs or the lower part of the body resulting from injury sustained through enemy action or accident while in such active military or naval service.

40A:6-25. Penalty for violation of chapter.

Any person authorizing, consenting to, making or procuring to be made any contract or agreement in violation of any of the provisions of this chapter, or making or procuring to be made any payment for or on account of any contract or agreement made or entered into in violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and the said contract shall, at the option of the local unit, be void.

40A:6-26. Establishment and powers of a purchasing department.

The governing body of any local unit may provide for the establishment of a purchasing department. In any local unit where such a department has been established, public advertising shall be prepared and bids received and awards made by it, subject, however, to the approval of the governing body.